

analyze his fellow newsmen. His comments certainly give substance to Vice President AGNEW's criticism of unbalanced and biased news coverage.

I submit the following article for the interest of my colleagues:

**KSU STORY ONE-SIDED IN TV REPORTS**  
(By William Hickey)

The events of the past few days at Kent State University and elsewhere, tragic enough in themselves, created still further tragedy in that they brought out the worst in a number of local and network broadcast news departments.

Try as I may, I cannot recall what so distorted the reason and objectivity of television and radio news teams as did the deplorable incident on the Kent State campus. Never has one side of a story been so graphically illustrated, while the other has been so completely ignored or discounted.

This is not to suggest that the print media, both here and across the nation, was above reproach in handling the story, but at least a great deal more attention was given students and members of the National Guard than was heard over the electronic counterparts.

It was a case of emotion winning the day and reason being damned. Unfortunately, that attitude was displayed time and time again. This is the ultimate disservice to the community, for in a time of highly charged feelings the last thing needed is additional fuel.

Dorothy Fuldheim, long one of the city's leading news analysts, hosted a special broadcast Monday evening on WEWS-TV after returning from a trip to the scene of action and reason played little or no part in it.

The program was unworthy of Miss Fuld-

heim, who never quite managed to get her emotions under control. It should never have been aired for, taken in substance it was a blatant assault on the National Guard, with no regard for the particular circumstances its members faced that fateful day.

However, Miss Fuldheim's single-mindedness of purpose paled in comparison when placed along side the National Broadcasting Co.'s Huntley-Brinkley Report of Tuesday evening.

NBC-TV news has too many skilled and talented people on its payroll to push a half-hour of such one-sidedness upon a nation of viewers as it did with that piece of programming.

To make matters worse, the program was a technological horror. The lip sync was completely off and served only to make it all the more ominous.

David Brinkley, who has never mastered the fine art of concealing emotion despite his long tenure in front of television cameras, was nothing less than a disgrace.

Posturing, glaring, letting the world know exactly where he stood on that situation out in Ohio, left him no time to be a newsmen.

He was too busy acting.

Watching these and several other shows, one gathered the impression that a troop of National Guardsmen invaded the campus without cause, provoked the students into a protest action and then fired into their ranks at will.

The cheapest moment of the Huntley-Brinkley Report came when the NBC-TV cameras rested upon the father of one of the slain students. The man, understandably near hysteria, made a number of irrational charges against the government and the condition the country was in, labeling it a totalitarian state.

While it was heart-wrenching to watch and all one's prayers and sympathies were extended to the father, that piece of film was totally dishonest and begged for rebuttal.

It is incumbent upon the news media, broadcast and otherwise, to investigate and understand both sides of a particular situation before it takes up a crusade in defense of what it knows not.

Certain facts should have been brought off with great emphasis, such as the demolition of downtown Kent of Friday evening; the total destruction of the ROTC Building Saturday evening; and that a state of martial law was in force.

If those points were stressed, the average viewer could better understand why the Guard was there in the first place, for as far as I know, nice college kids don't demolish towns and buildings. Radical types do, however, and some protection was needed for the town's citizens, as well as the students themselves.

Perhaps, if NBC-TV had interviewed and shown a number of former members of police departments, who are now condemned to live the remainder of their lives as vegetables, because they were struck on the head by rocks, that would have allowed the average viewer to better understand the nervousness and discomfort of the Guardsmen.

NBC-TV could have done any number of things to put the tragedy at Kent into proper focus.

However, to its undying discredit, it chose not to.

As a result, Vice President Agnew could present that 30 minutes of film as evidence to any court in the world to prove without doubt that the broadcast news media is biased.

## SENATE—Thursday, May 21, 1970

The Senate met at 11 o'clock a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Lord, giver of health and strength, send us into today's work trusting in Thy loving kindness, pledged to Thy loyal service, standing in Thy strength, and not our own.

We pray for those who have special need of Thee:

For all who are faced by great decisions affecting the lives of men and nations;

For all molders of public opinion;

For all who write what others read;

For all prophets and priests;

For all who hold aloft the lamp of truth;

For all whose hands are worn with too much toil and whose hands are idle through unemployment;

For all prisoners of war and their loved ones.

May these Thy children be enfolded by Thy love and have grace sufficient for the day.

In the name of the Great Burden Bearer, Amen.

### ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

### THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, May 20, 1970, be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

### ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, will the distinguished Senator from Indiana (Mr. HARTKE), who is about to be recog-

nized under the order of yesterday, permit me to proceed briefly without losing his right to the floor or any of his time?

Mr. HARTKE. I am glad to yield.

### EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider a nomination on the Executive Calendar.

There being no objection, the Senate proceeded to the consideration of executive business.

The PRESIDING OFFICER. The nomination on the Executive Calendar will be stated.

### NATIONAL LABOR RELATIONS BOARD

The assistant legislative clerk read the nomination of Edward B. Miller, of Illinois, to be a member of the National Labor Relations Board for the term of 5 years, expiring December 16, 1974.

The PRESIDING OFFICER. Without objection, the nomination is considered and confirmed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of this nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

## LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to, and the Senate resumed the consideration of legislative business.

## ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the remarks of the distinguished Senator from Arizona (Mr. FANNIN), that there be a period for the transaction of routine morning business, with a time limitation on speeches of not to exceed 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER OF BUSINESS

The PRESIDING OFFICER. Pursuant to the previous order, the distinguished Senator from Indiana (Mr. HARTKE) is now recognized for 30 minutes.

## FOREIGN MILITARY SALES ACT—AMENDMENT

AMENDMENT NO. 648

AID TO GREEK DICTATORSHIP MUST BE STOPPED

Mr. HARTKE. Mr. President, I submit an amendment, intended to be proposed by me, to the bill (H.R. 15628) to amend the Foreign Military Sales Act.

The PRESIDING OFFICER (Mr. ALLEN). The amendment will be received and printed, and will lie on the table.

Mr. HARTKE. Mr. President, the purpose of the amendment, simply stated, is to halt military aid by this Nation to the Greek dictatorship. I offer it because of my deep concern about the continuing deterioration of the political situation in Greece. It is a situation which, if it continues to worsen, could well lead to a new Vietnam—this time in Europe.

The amendment also registers my dismay at the fact that the present administration is following the same set of policies established by the previous administration that must inevitably lead to disaster, not only for Greece, but for long-range American interests in that vital part of the world. The net result of these policies has been that the majority of the Greek and European peoples generally believe that the United States is responsible for bringing the military junta to power in the first place and maintaining it in power since April 21, 1967.

As early as August 10, 1966, 8 months before the colonels destroyed Greek democracy in its own ancient birthplace, I had occasion to refer to the impending disaster in an interview with the political editor of the Athens Daily Post, "If we want," I said, "to avoid more Vietnam and Dominican Republic interventions in other crucial parts of the world, both the White House and Capitol Hill should thoroughly investigate these grave charges voiced in Greece against the United States."

The following year it was my unhappy distinction to be the first Member of this

body to visit Athens after the colonels came to power. I had lengthy talks then with junta leaders. The impression I gained from those conversations has only been reinforced by the events in the interim. And that is why last December I voted against granting U.S. military assistance to the present regime. How tragic it is that a majority of the Senate determined otherwise on the very day that member nations of the Council of Europe took the unprecedented action of forcing Greece to resign from the council because of the regime's violation of the human rights of the Greek people and its torturing of political opponents. I might add that the council took this step in the face of intense lobbying by American spokesmen arguing against it.

Thus the Greek issue has now become a European issue. The action of our allies last December constitutes a sharp diplomatic slap against our policies in that area. We had better heed the warning before it is too late.

The Truman doctrine of 1947 saved Greece from becoming a satellite of the Soviet Union. The Greek people have been deeply grateful to us for this, but their gratitude is turning now to resentment and worse because of our support of the dictatorship. If we fail to join our European allies in their efforts to restore democracy to Greece, we may soon be faced with developments too terrible to contemplate. And we may end up by having to bury, with our own hands, that Truman doctrine which is so proud a milestone in our postwar resistance to tyranny.

A most important signal that European hostility to the Greek colonels is fast arising came in the April 16, 1970, communique of the Common Market. For the first time in Common Market history, a communique dealt with a purely political matter, the Greek military dictatorship. The full text of this communique with its harsh language is as follows:

The Commission of the European Communities has followed the evolution of the situation in Greece with growing concern. The recent trials in Athens and the continuing arrests of persons held in particularly high esteem have increased its concern still further.

These events do not suggest a return to normal democratic life, which is awaited more and more impatiently by public opinion in Europe.

Because of the repeated offences against human and civil rights, the Commission feels it must reconsider the working—already very difficult—of the agreement associating Greece and the European Community.

The Commission deeply deplores this situation, being more than ever convinced that total participation by the Greek people in the work of European integration remains eminently desirable.

Last Sunday the well-known nationally syndicated columnists, Rowland Evans and Robert Novak, disclosed that—

Renewal of full-scale U.S. arms shipments to Greece threatens an explosion at the meeting of the North Atlantic Treaty Organization (NATO) later this month in Rome, with several NATO countries threatening to reappraise their NATO membership.

The U.S. slapped its arms embargo on the Greek junta three years ago, after the coup by army colonels established a military dictatorship. Now, however, with Soviet power

growing in the Eastern Mediterranean and the Arab world, the U.S. has reached a hard—but not yet announced—decision to resume full-scale shipment of heavy armaments to the junta. Small arms shipments have been going on for many months.

The U.S. decision has not been announced for one reason: fear that making it public now would envenom the Rome NATO meeting by further exacerbating rising bitterness against the junta throughout Europe, particularly in the Scandinavian countries, Belgium, and Holland.

Top Nixon administration diplomats have been warned that the intense feeling against the junta in Denmark and Norway is creating a political backlash against their conservative government that might get out of control.

Despite this clear handwriting on the wall, the Nixon administration's decision to resume heavy arms shipments soon after the Rome meeting will not be changed.

The only concession the U.S. has made to its anti-junta NATO friends is to postpone the announcement until after the NATO meeting, and even that concession involved hard political infighting within the Administration. Some top Administration officials, arguing privately that the junta actually has eased its repressive rule, wanted to meet the issue head on before the Rome conference.

Pentagon officials, in fact, flatly informed Greek Adm. Constantine Margaritis during his informal visit to Washington three weeks ago that U.S. naval air craft had already been "released" for early shipment to Greece. There will be no backdown here.

Accordingly, with the political left forcing the issue in several NATO countries, the U.S. will confront an extremely hostile atmosphere at Rome and the threat of possible withdrawals by Denmark and Norway at the least.

In view of these disclosures, Mr. President, I deem it important to bring to the Senate's attention a position paper prepared by the Hudson Institute titled "Greece—A New Vietnam?" written by Mr. Elias P. Demetracopoulos, a leader of the resistance movement in the United States against the Greek military dictatorship and with a favorable introduction by the noted U.S. strategic thinker, Herman Kahn, director of the Hudson Institute. Mr. Demetracopoulos writes:

The Greek situation I believe not only denies the Greek people basic democratic rights but is also harmful to the national interest of the United States and contains the seeds of another "Vietnam." The element of time is terribly important in this connection, as the dangers posed by the current Greek situation leave little time for constructive action by the United States. In other words, I believe the clock is running out in Greece, and unless some major changes are forthcoming in American policy, both the U.S. and NATO are apt to be faced with the reality rather than the potential of explosive political, military, and economic development on NATO's Southern Flank.

U.S. foreign policy in Greece, inherited by the Nixon Administration, is based on the hypothesis that the present dictatorial regime provides sufficient military, political and economic stability to satisfy America's strategic interests in the area—the kind of stability, supposedly, which could not be guaranteed by any realistic alternative.

First, let us begin with the premise that the Junta has brought military stability. Both the Pentagon and other senior U.S. officials claim that the Greek armed forces and terrain, as well as the U.S. and NATO basis in Greece, are necessary to maintain control of the Eastern Mediterranean, to deter direct



communist aggression from the North, and to provide a vital link with Turkey which would otherwise not be a viable military ally. In addition they cite increased Soviet naval strength in the Mediterranean to strengthen their argument. I agree with their assessment as to the importance of a strong and stable Greece as far as NATO is concerned. The key question then is: have the Colonels indeed provided this stability?

The Greek armed forces today are far less effective than they were prior to the coup. They are mainly an internal security force in which the Junta-controlled elements watch not only potential civilian opponents but also the very real latent opposition in the armed forces themselves. To this effect the continuing purges of the Greek military establishment two whole years after the April 21, 1967 coup are a key indicator.

The Junta has systematically removed from the armed forces an alarming number of the officers they consider unreliable. These hundreds of officers were trained at enormous American expense in the U.S., other NATO countries and Greece, since the Truman Doctrine of 1947. The officers purged were not and could not possibly be communist, considering the nature of the recruiting process and the close ties between the Greek Armed Forces and the U.S. military and intelligence communities. Indeed many of these officers purged by the Junta were generally considered by Washington, the NATO authorities and the Joint U.S. Military Aid Group to Greece to represent the elite of the Greek officer corps. Their only sin was to have opposed the illegal seizure of power by a relatively small group of officers.

The usurpers, the officers who seized power two years ago, are reliably reported to number no more than 300, with a good percentage of them having intelligence and security training and background.

The purging of the cream of the Greek officer corps and a preoccupation with the internal security duties make the combat effectiveness of the Greek armed forces in time of full mobilization of the reserves an agonizingly open question mark for NATO planners. Thus the illegal seizure of power by the Junta and its subsequent actions have not only seriously weakened the combat capabilities of the Greek armed forces; they have also undermined Greece's political and moral ability to fulfill its NATO commitments. For any crisis which required full mobilization would in all probability lead to the speedy overthrow of the Junta. This really explains why the Junta thought it wise to "defuse" the Cyprus crisis in November 1967. The armed forces have become mostly a police force which, under the new constitution, are also charged with preserving the "existing social order." The same reasoning applies to the U.S., NATO bases and other American listening posts and propaganda machinery operating on Greek territory. These bases are important. Yet in view of the climate in which they exist today, it is a real question how much long-range strategy in the area can be built around them.

The Soviet naval build-up in the Mediterranean, the Middle East crisis, the events in Czechoslovakia and the outflanking of Greece and Turkey by the Soviet Union's rapid strategic deployment along North Africa's coast-line and the Middle East, were used by the Johnson Administration as reasons for supporting the Junta. This is indeed tragic, since the Junta's actions have weakened the military capabilities and stability of the Greek armed forces and consequently NATO's strength in the area.

More recently, Mr. Demetracopoulos was interviewed by the well known syndicated columnist Eliot Janeway for the Chicago Tribune Press Service. In response to the question, "What are the

major foreign sources of material support for the Junta today?" Mr. Demetracopoulos replied:

The Pentagon and the World Bank. Both of these sources have come under increased Congressional criticism based on the fact that the long run strategic interest of the U.S. will not be served by supporting the unpopular Greek regime which inevitably must become a source of increasing instability in the vital area of the eastern Mediterranean.

Mr. President, I fully concur in that analysis and fully share the profound concern expressed by Mr. Demetracopoulos. It seems to me absolutely imperative that we act now to associate ourselves with our European allies in withdrawing both moral and material support from a regime that persists in violating every standard of Western democracy.

By cutting off military aid to Greece now, we will at least demonstrate to the democratic forces within Greece that they can move to restore constitutional government without fear of having to face U.S. weapons in the hands of the Junta's mercenaries. That is not intervention in internal Greek affairs. It is, on the contrary, a long-delayed statement of neutrality. It is the very least we can or should do to honor our own principles and to protect our vital interests in the eastern Mediterranean.

#### THE CALENDAR

Mr. MANSFIELD. Mr. President, pending the arrival of the distinguished Senator from Arizona (Mr. FANNIN), I ask unanimous consent that the Senate turn to the consideration of the calendar beginning with Calendar No. 873, then skipping over to Calendar No. 879 and considering the rest of the calendar down to and including Calendar No. 888 in sequence.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT OF THE INTERNATIONAL TRAVEL ACT OF 1961

The Senate proceeded to consider the bill (H.R. 14685) to amend the International Travel Act of 1961, as amended, in order to improve the balance of payments by further promoting travel to the United States and for other purposes.

Mr. MANSFIELD. Mr. President, I move that all after the enacting clause be stricken and that the text of S. 1289, a compromise bill that has already been passed by the Senate, be inserted in lieu thereof and that the bill be passed as thus amended.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to and the pending bill (H.R. 14685) was amended by striking out all after the enacting clause and substituting in lieu thereof the text of S. 1289, as passed by the Senate.

The amendment was ordered to be engrossed, and the bill to be read a third time. The bill (H.R. 14685) was read the third time, and passed.

#### AUTHORIZATION FOR ACQUISITION OF THE PLAZA HOTEL PROPERTY

The bill (S. 3594) to authorize the acquisition of certain property in square 724 in the District of Columbia for the purpose of extension of the site of the additional office building for the U.S. Senate or for the purpose of addition to the U.S. Capitol Grounds was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3594

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the real property heretofore acquired under the provisions of the Second Deficiency Appropriation Act, 1948, approved June 25, 1948 (62 Stat. 1028), as a site for an additional office building for the United States Senate, and under Public Law 85-591, approved August 6, 1958 (72 Stat. 495-496), and Public Law 85-429, approved May 29, 1958 (72 Stat. 148-149), for purposes of extension of such site or for additions to the United States Capitol Grounds, and authorized to be acquired for such purposes by Public Law 91-145, approved December 12, 1969 (83 Stat. 352-353), the Architect of the Capitol, under the direction of the Senate Office Building Commission, is hereby authorized to acquire, on behalf of the United States, by purchase, condemnation, transfer, or otherwise, for purposes of further extension of such site or for additions to the United States Capitol Grounds, all privately owned property contained in lots 845 and 832 in square 724 in the District of Columbia, as such square appears on the records in the office of the surveyor of the District of Columbia as of the date of the approval of this Act.

Sec. 2. For the purposes of this Act, square 724 shall be deemed to extend to the outer face of the curbs surrounding such square.

Sec. 3. Any proceeding for condemnation brought under this Act shall be conducted in accordance with the Act of December 23, 1963 (16 D.C. Code, secs. 1351-1368).

Sec. 4. Notwithstanding any other provision of law, any parts of streets contained within the curblines surrounding square 724 shall, upon request of the Architect of the Capitol, made with the approval of the Senate Office Building Commission, be transferred to the jurisdiction and control of the Architect of the Capitol.

Sec. 5. Upon acquisition of any real property pursuant to this Act, the Architect of the Capitol, when directed by the Senate Office Building Commission to so act, is authorized to provide for the demolition and/or removal of any buildings or other structures on, or constituting a part of, such property and, pending demolition, to use the property for Government purposes or to lease any or all of such property for such periods and under such terms and conditions as he may deem most advantageous to the United States and to incur any necessary expenses in connection therewith.

Sec. 6. The jurisdiction of the Capitol Police shall extend over any real property acquired under this Act and such property shall become a part of the United States Capitol Grounds.

Sec. 7. The Architect of the Capitol, under the direction of the Senate Office Building Commission, is authorized to enter into contracts and to make such expenditures, including expenditures for personal and other services, as may be necessary to carry out the purposes of this Act.

Sec. 8. The appropriation of such sums as may be necessary to carry out the provisions of this Act is hereby authorized.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in

the RECORD an excerpt from the report (No. 91-877), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

#### SUMMARY OF THE LEGISLATION

S. 3594 authorizes the Architect of the Capitol under the direction of the Senate Office Building Commission to acquire on behalf of the United States, lots 845 and 832 in square 724. It further authorizes the Architect of the Capitol when directed by the Senate Office Building Commission to provide for the demolition of buildings or other structures on this property and pending demolition to use the property for Government purposes or to lease any or all of such property under such terms and conditions as he may deem most advantageous to the United States and to incur any necessary expenses in connection with demolition use, or leasing of such property. The legislation further provides that the property acquired shall become a part of the U.S. Capitol Grounds and extends the jurisdiction of the U.S. Capitol Police over the property.

#### HEARING

On April 9, 1970, the Subcommittee on Public Buildings and Grounds conducted a hearing on this measure. Testimony was received from Members of the Senate, Chairman of the Senate Office Building Commission, the Architect of the Capitol, the District of Columbia government, and the owner of the property. The testimony was generally favorable.

#### GENERAL STATEMENT

Square 724 is bounded by C, First, D, and Second Streets NE, and is across C Street from square 725 which is the location of the New Senate Office Building. The Plaza Hotel is located on lot 845, while lot 832 is a very small parking lot located across the alley from the Plaza Hotel and used in connection with the hotel. The two lots contain a total of 17,000 square feet and have an assessed valuation of \$306,000. Lot 845 on which the Plaza Hotel is located is located at the corner of First and D Streets NE, with frontage on both First and D Streets.

Approximately one-half of square 724 is already owned by the Federal Government, most of which was acquired for the use of the U.S. Senate under the authority of Public Law 85-429 in 1959, and is presently used for parking. The other federally owned property in the square is a general purpose office building under the jurisdiction of the General Services Administration, presently occupied by the Immigration and Naturalization Service. The remaining half of square 724 is privately owned and contains in addition to the Plaza Hotel mostly apartment buildings. Using the past as a guide, it is probably only a matter of time before the Senate will require the remainder of the privately owned property in square 724 to meet further expansion needs. If this assumption is correct, the Government should avail itself of the present opportunity to acquire the Plaza Hotel property while it is on the market, and before some new private owner completely renovates the building for use as a modern hotel. The property can undoubtedly be purchased now for a much lower price than it can be purchased at some future date after considerable money is spent on restoration.

#### COMMITTEE VIEWS

The committee is convinced that it will be necessary at some future date to acquire the remaining privately owned property in square 724 for the use of the Senate, and believes that lots 845 and 832 should be acquired while they are available at a reasonable price. The committee therefore recommends the enactment of S. 3594.

#### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

The Senate proceeded to consider the bill (H.R. 3215) to amend the National Foundation on the Arts and the Humanities Act of 1965 to provide for a permanent authorization for programs under such act, which had been reported from the Committee on Labor and Public Welfare, with an amendment, to strike out all after the enacting clause and insert:

That this Act may be cited as "The National Foundation on the Arts and the Humanities Amendments of 1970".

#### ASSISTANCE RELATING TO THE DISTRIBUTION OF WORKS OF ART AND WORK IN RESIDENCE BY ARTISTS

SEC. 2. Clause (3) of subsection (c) of section 5 of the National Foundation on the Arts and the Humanities Act of 1965 is amended by inserting after "enable them" the following: "to achieve wider distribution of their works, to work in residence at an educational or cultural institution, or".

#### CONSOLIDATION OF LAWS RELATING TO THE NATIONAL COUNCIL ON THE ARTS

SEC. 3. (a) (1) Subsection (b) of section 5 of the National Foundation on the Arts and the Humanities Act of 1965 is amended to read as follows:

"(b) (1) The Endowment shall be headed by a chairman, to be known as the Chairman of the National Endowment for the Arts, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) The term of office of the Chairman shall be four years and the Chairman shall be eligible for reappointment. The provisions of this subsection shall apply to any person appointed to fill a vacancy in the office of Chairman: Provided, That upon expiration of his term of office the Chairman shall serve until his successor shall have been appointed and shall have qualified."

(2) Such section 5 is further amended by striking out subsection (d) and by redesignating subsections (e), (f), (g), (h), (i), (j), (k), and (l), and all references thereto, as subsections (d), (e), (f), (g), (h), (i), (j), and (k), respectively.

(3) Clause (2) of subsection (a) of section 10 of such Act is amended by striking out all that follows "sections 5(c) and 7(c)" and inserting in lieu thereof a semicolon.

(4) Section 11(a) of such Act is amended by striking out "and the functions transferred by section 6(a) of this Act."

(b) Section 6 of such Act is amended to read as follows:

#### "NATIONAL COUNCIL ON THE ARTS

"SEC. 6. (a) There shall be, within the National Endowment for the Arts, a National Council on the Arts (hereinafter in this section referred to as the 'Council').

"(b) The Council shall be composed of the Chairman of the National Endowment for the Arts, who shall be Chairman of the Council, and twenty-six other members appointed by the President who shall be selected—

"(1) from among private citizens of the United States who are widely recognized for their broad knowledge of, or expertise in, or for their profound interest in, the arts;

"(2) so as to include practicing artists, civic cultural leaders, members of the museum profession, and others who are professionally engaged in the arts; and

"(3) so as collectively to provide an appropriate distribution of membership among the major art fields,

The President is requested, in the making of such appointments, to give consideration to such recommendations as may, from time to time, be submitted to him by leading national organizations in these fields.

"(c) Each member shall hold office for a

term of six years, and the terms of office shall be staggered. No member shall be eligible for reappointment during the two-year period following the expiration of his term. Any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed.

"(d) The Council shall meet at the call of the Chairman but not less often than twice during each calendar year. Fourteen members of the Council shall constitute a quorum.

"(e) Members shall receive compensation at a rate to be fixed by the Chairman but not to exceed the per diem equivalent of the rate authorized by grade GS-18 by section 5332 of title 5 of the United States Code and be allowed travel expenses including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently.

"(f) The Council shall (1) advise the Chairman with respect to policies, programs, and procedures for carrying out his functions, duties, or responsibilities under this Act, and (2) review applications for financial assistance under this Act and make recommendations thereon to the Chairman. The Chairman shall not approve or disapprove any such application until he has received the recommendation of the Council on such application, unless the Council fails to make a recommendation thereon within a reasonable time. In the case of an application involving \$10,000, or less, the Chairman may approve or disapprove such request if such action is taken pursuant to the terms of a delegation of authority from the Council to the Chairman, and provided that each such action by the Chairman shall be reviewed by the Council."

(c) Subsection (e) of section 8 of such Act is amended to read as follows:

"(c) Members shall receive compensation at a rate to be fixed by the Chairman but not to exceed the per diem equivalent of the rate authorized for grade GS-18 by section 5332 of title 5 of the United States Code and be allowed travel expenses including per diem in lieu of subsistence, as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently."

(d) (1) The National Council on the Arts established under section 6 of the National Foundation on the Arts and the Humanities Act of 1965, as amended by subsection (b), shall, for any purpose determined to be necessary by the Chairman of the National Endowment for the Arts, be deemed to be a continuation of the National Council on the Arts established under the National Arts and Cultural Development Act of 1964, Public Law 88-579, without interruption.

(2) Members appointed to the National Council on the Arts pursuant to section 5 of the National Arts and Cultural Development Act of 1964 shall be deemed to have been appointed as members of the National Council on the Arts established under section 6 of the National Foundation on the Arts and the Humanities Act of 1965, with such terms of office as may be remaining under the prior appointment on the effective date of the amendments made by subsection (b).

(3) (A) The amendments made by subsections (a) and (b) shall be effective after June 30, 1970.

(B) Effective July 1, 1970, the National Arts and Cultural Development Act of 1964, Public Law 88-579, is repealed.

#### TECHNICAL AMENDMENT RELATING TO THE DISTRICT OF COLUMBIA

SEC. 4. Clause (A) of paragraph (2) of subsection (g) of section 5 of the National Foundation on the Arts and the Humanities Act of 1965 is amended by inserting after "Recreation Board" a comma and the following: "or any successor designated for the purpose of this Act by the Commissioner of the District of Columbia."



## ALLOTMENTS OF FUNDS TO STATES

Sec. 5. Paragraph (3) of subsection (g) of section 5 of the National Foundation on the Arts and the Humanities Act of 1965 is amended to read as follows:

"(3) From the sums appropriated to carry out the purposes of this subsection for any fiscal year, \$50,000 shall be allotted to each State. That part of such sums as may remain after such allotment shall be allotted among the States in equal amounts, except that for the purposes of this sentence the term 'State' shall not include Guam and American Samoa. If the sums appropriated for any fiscal year to carry out the purposes of this subsection are insufficient to satisfy allotments under the first sentence of this paragraph, such sums shall be allotted among the States in equal amounts."

## AMENDMENT RELATING TO THE TERM OF OFFICE OF THE CHAIRMAN OF THE ENDOWMENT FOR THE HUMANITIES

Sec. 6. Paragraph (2) of subsection (b) of section 7 of the National Foundation on the Arts and the Humanities Act of 1965 is amended to read as follows:

"(2) The term of office of the Chairman shall be four years, and the Chairman shall be eligible for reappointment. The provisions of this paragraph shall apply to any person appointed to fill a vacancy in the office of the Chairman: Provided, That upon expiration of his term of office the Chairman shall serve until his successor shall have been appointed and have qualified."

## AUTHORIZING CONTRACTS RELATED TO STRENGTHENING RESEARCH POTENTIAL IN THE HUMANITIES

Sec. 7. Paragraph (2) of subsection (c) of section 7 of the National Foundation on the Arts and the Humanities Act of 1965 is amended by inserting "contracts," before "grants."

## INCLUSION OF THE ARCHIVIST OF THE UNITED STATES AS A MEMBER OF THE FEDERAL COUNCIL ON THE ARTS AND THE HUMANITIES

Sec. 8. Subsection (b) of section 9 of the National Foundation on the Arts and the Humanities Act of 1965 is amended by inserting after "the Chairman of the Commission of Fine Arts" a comma and the following: "the Archivist of the United States".

## METHOD OF MAKING PAYMENTS

Sec. 9. The first sentence of subsection (a) of section 10 of the National Foundation on the Arts and the Humanities Act of 1965 is amended by redesignating clauses (6) and (7), and all references thereto, as clauses (7) and (8) and by inserting after clause (5) the following new clause:

"(6) to make advance, progress, and other payments without regard to the provisions of section 3648 of the Revised Statutes (31 U.S.C. 529)."

## TECHNICAL AMENDMENT

Sec. 10. Subsection (a) of section 10 of the National Foundation on the Arts and the Humanities Act of 1965 is amended—

(1) in clause (3) by inserting "to" before "appoint";

(2) in clause (4) by inserting "to" before "utilize";

(3) in clause (5) by inserting "to" before "accept";

(4) in clause (7) by inserting "to" before "rent";

(5) in clause (8) by inserting "to" before "make".

## AUTHORIZATIONS OF APPROPRIATIONS

Sec. 11 (a) Subsection (a) of section 11 of the National Foundation on the Arts and the Humanities Act of 1965 is amended by—

(1) striking out "and \$6,500,000 for the fiscal year ending June 30, 1970" in the first sentence of such section and inserting in lieu thereof the following: "\$6,500,000 for the fiscal year ending June 30, 1970, \$12,875,000 for the fiscal year ending June 30,

1971, \$21,000,000 for the fiscal year ending June 30, 1972, and \$28,625,000 for the fiscal year ending June 30, 1973";

(2) striking out "and \$9,000,000 for the fiscal year ending June 30, 1970" in the first sentence of such section and inserting in lieu thereof the following: "\$9,000,000 for the fiscal year ending June 30, 1970, \$17,000,000 for the fiscal year ending June 30, 1971, \$26,500,000 for the fiscal year ending June 30, 1972, and \$35,500,000 for the fiscal year ending June 30, 1973"; and

(3) striking out "and \$2,500,000 for the fiscal year ending June 30, 1970" in the second sentence of such section and inserting in lieu thereof the following: "\$2,500,000 for the fiscal year ending June 30, 1970, \$4,125,000 for the fiscal year ending June 30, 1971, \$5,500,000 for the fiscal year ending June 30, 1972, and \$6,875,000 for the fiscal year ending June 30, 1973.

(b) The first sentence of subsection (b) of section 11 of such Act is amended by inserting immediately before the period at the end thereof a comma and the following: "and the amount so appropriated for the fiscal year ending June 30, 1971, shall not exceed \$6,000,000, the amount so appropriated for the fiscal year ending June 30, 1972, shall not exceed \$7,000,000, and the amount so appropriated for the fiscal year ending June 30, 1973 shall not exceed \$9,000,000".

Mr. PELL. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-879), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

## BACKGROUND

The National Foundation on the Arts and Humanities was established in 1965 by Public Law 89-209. The original act was thereafter amended in 1967 by Public Law 90-348. The 1965 legislation created the National Foundation on the Arts and Humanities and its two cooperating entities, the National Endowment for the Arts and the National Endowment for the Humanities. Each Endowment has a presidentially appointed Chairman and Council who are responsible for program operation. The National Endowment for the Humanities and the National Endowment for the Arts have a joint administrative staff which reports to both chairmen.

Since the enactment of the National Foundation on the Arts and the Humanities Act of 1965, the Federal involvement in, and support of esthetic activities has broadened in scope and become more sophisticated in approach. When the original bill was in the formulation stage there were two areas of discussion which were of great concern to the framers of the act. The first questioned whether the Federal involvement would be oriented to all segments and schools of cultural endeavor and all geographical portions of the country. The second was a great concern that enactment of legislation to foster support of the arts and humanities could bring about establishment of a central Federal control of the arts and humanities. Some voiced this concern with the phrase "cultural czar."

The committee finds that, from their inception, the programs of the Endowments have been broadly distributed on an equitable geographical basis. In the 1967 reauthorization, questions as to this distribution were discussed. At that time Endowment leadership indicated that they would further intensify their efforts to see that the programs were broadly based. The committee is satisfied, from information submitted for the record, that this objective has been achieved and that all sections of the Nation are receiving benefits under the program.

Statistical information received by the committee could indicate, at a cursory

glance, that one portion of the country received more funds than another. However, it should be clearly understood that while a group may be based in one city, a large expenditure for a touring program brings that activity to cities and towns throughout the Nation and not to the base city.

The committee is also satisfied that the operation of the Endowments has been in a manner which negates the concern of those who feared the establishment of a "cultural czar." The record indicates that a scrupulous concern for openminded consideration of all applications has been built into the grant approval mechanism, with the ultimate responsibility for making a grant in a 26-member Council, which represents a broad geographical, cultural, and school cross section of the country.

The committee recognizes the growing appreciation of the arts and the humanities by citizens across the Nation and urges the Endowments to continue their efforts to decentralize American art and culture and emphasize those programs that will stimulate the creation of new cultural institutions and strengthen established ones in local communities, States, and regions. By further integrating the arts and humanities into the mainstream of American life, increased opportunities for broader appreciation of them will be created as well as an improved awareness of the duplicity of the country's culture.

A meaningful measuring device as to the success of the program is the ability of the Federal activity to engender support at the State and local level. This report discusses in a separate paragraph the meaningful growth of the State arts councils as a result of passage of the enabling legislation. Of equal importance is an indication that the Federal dollar expended is utilized in a manner which creates an even greater sum of money. It has been pointed out to the committee that for every Federal dollar appropriated there have been generated \$3 of funds at the State and local level for arts and humanities programs.

## ADMINISTRATION OF THE ENDOWMENTS

The committee, in its oversight role, noted with favor the efficient operation of both endowments since their establishment. It would appear that procedures have been adopted which not only provide for expeditious operation, but also operation in an economical manner.

One matter pertaining to administration of the program has come to our attention which warrants specific comment. Upon the enactment of the National Foundation of the Arts and the Humanities Act of 1965, it was envisioned that certain administrative functions necessary to each endowment would be operated on a shared basis. One of these functions was that of the legal adviser who has been termed the "General Counsel of the Foundation." Until this past year there was a single general counsel who provided legal services to both the National Endowment for the Arts and the National Endowment for the Humanities. During the past year, this single office was abolished and there are now two associate counsels: one for each of the Endowments. The committee expects that this change in organization will be further studied by the Endowment Chairmen and that a return to the original use of one counsel will be effected.

The administration proposed the establishment of an executive committee of each Endowment Council which would be empowered to act in the interim between regular Council meetings. The committee studied the advisability of the suggested amendment and rejected it. It is believed that the present method of awarding grants is one which insures that all the various schools of artistic and humanistic endeavor are given equal consideration. In an area as subjective as that of making awards in the arts and humanities fields, a procedure which insures

the broadest possible consideration is desirable.

The committee believes that concentrating the grantmaking authority in an executive committee could have many negative effects: the consolidation of grantmaking authority could work to lessen the broad scope of consideration presently given to grant application, establishment of an executive committee could relegate the role of the Endowment Council to one of secondary authority, and the coalescing of authority in a small group could make the Endowments procedures more amenable to political pressure, a situation which does not now exist.

As introduced, S. 3215 would have provided for the permanent establishment of each Endowment, thus negating the necessity for reauthorization every 2 or 3 years. While the Special Subcommittee on the Arts and Humanities strongly supports this concept it was felt that at this time it would be best to leave the method of authorization as it presently exists, with a hope that at the next consideration of the enabling legislation there will be further study on the question of making the Endowments permanent bodies.

#### STATE COUNCILS ON THE ARTS AND THE HUMANITIES

One of the most salutary effects of the original enactment of the 1965 Act has been the establishment and growth of the State arts councils, which provide for involvement in and substantial contributions to the arts at both the State and local levels.

The success of the State arts councils movement is seen as a direct result of section 5(h) of Public Law 89-209 which provides funds, on a matching basis, to bodies established by the States, whose prime function is the broadening of support of and participation in esthetic activities within each State. The committee noted that each State and territory has established an arts council. What is even more significant is the fact that, for fiscal year 1970, 31 States and Territories appropriated sums of money which were in excess of the Federal matching contribution.

Noting that some of the State councils are termed "State council on the arts and the humanities," the committee questioned the Chairman of the Endowment on the Humanities on the advisability of an amendment to provide for the establishment of State humanities councils on a matching basis. The reply to the question pointed out that the Endowment has funded regional programs in the area, but also raised some doubts as to whether support of the humanities can meaningfully be organized along this line and for that reason no new language is recommended. However, the committee is of the opinion that a program of demonstration grants throughout the country at both the State and local levels may be a feasible approach to demonstrate the effectiveness of a humanities council approach and expresses its hope that the Humanities Endowment would make grants in this area. It is understood that no change in existing law is necessary to authorize such a demonstration grant program.

#### LIMITATION ON FUNDING OF MATCHING GRANTS FOR CERTAIN OUTLYING TERRITORIES

The committee has recommended a marked increase in the funding of matching grants for the purpose of State arts councils. In its discussion of this increase, it was noted that American Samoa and Guam would be automatically included in such an increase under the present language. Noting the level of involvement in previous years, and with the understanding that these two territories have often been treated as separate entities, the committee has amended the language to exclude American Samoa and Guam from any matching State arts council funds over a \$50,000 level. The mechanism used to effect this objective provides that each State and territory as de-

fined under the original law will participate at a \$50,000 level but that any appropriated sums over this level will be equally shared by the 50 States, District of Columbia, Puerto Rico, and the Virgin Islands.

#### ARTISTS AT EDUCATIONAL AND CULTURAL INSTITUTIONS

The committee has amended section 5(c) (3) of the act to provide the projects that will assist artists to achieve wider distribution of their works and enable them to work in residence at an educational or cultural institution. This provision is meant to encourage artists to spend time working in residence at educational and cultural institutions, helping to motivate young artists and teach the interested public about various art forms, and, generally, to add a healthy cultural dimension to that institution at the same time as providing income to free artists for their creative work.

This provision will also serve to complement and encourage the growing interest in the arts on the Nation's campuses.

In this connection, the committee also wishes to invite the attention of the Arts Council to encourage arts projects situated on college campuses which serve both nearby communities as well as students.

#### THE HUMAN ENVIRONMENT

During the joint hearings, members of both committees closely questioned the chairman of each endowment on the activities of the endowments which are relative to domestic problems such as race, student unrest, and the crisis in our environment. Many projects in these areas which have the committees were pleased to learn of the been funded by the endowments in a manner which makes the arts and humanities more relevant to our everyday life.

An area receiving emphasis was the discipline of ekistics, the science of human settlement. In the 1967 amendments to the enabling legislation the definition of both the arts and the humanities was enlarged by the addition of the following phrases: "application of the humanities to the human environment," and "application of the arts to the human environment." When studying the desirability of including the word "ekistics" in the definition of arts and humanities, both endowment chairmen stated that they felt that the present language is sufficient to cover the aims and no further change is necessary. Nevertheless, the committee urges the endowments to become more involved in the ekistical approach to the study of our environment, with further grants supportive of the art and science of human settlement.

#### STUDIES

The committee has noted with interest the Belmont report on America's museums, a study initiated by the Federal Council on the Arts and Humanities, which explored problems in the museum field. The committee suggests that the Council consider additional similar studies in other areas; among those which have been suggested to the committee are the problems of the theater, profit as well as non-profit; how public policy, such as, for example, tax laws, affects the arts and the humanities; and the areas of manpower training and resources for the arts and the humanities.

#### CODIFICATION OF STATUTES RELATING TO THE NATIONAL COUNCIL ON THE ARTS

When the National Foundation on the Arts and the Humanities was first enacted in 1965, the National Council on the Arts established under the National Arts and Cultural Development Act of 1964 was continued and strengthened in association with the National Endowment for the Arts. The result has been that the National Council on the Arts has two basic organic statutes. This situation created confusion when amendments to the earlier act were considered, and, therefore, the committee recommends that the organic provisions of the 1964 act be incorporated

into section 6 of the National Foundation on the Arts and the Humanities Act with one substantial change: The independent study authority under the 1964 act is not incorporated in recent years, the committee felt. Since that authority has not been that it ought not be continued.

In connection with the effort of this committee to effectuate its policy in favor of simplification and codification of statutes, the committee recommended and the Congress enacted in Public Law 91-230 a consolidation of section 12 of the National Foundation on the Arts and the Humanities Act with title III of the National Defense Education Act of 1958. Question has been raised with respect to the manner in which that consolidation should be construed. For that reason the committee wishes to make clear that, when consolidations are enacted upon the recommendation of this committee, they should be narrowly construed and that the authority under the consolidated statute should not be construed to be greater than that of the earlier statutes, unless greater authority is expressly provided for on its face.

#### FUNDING

Both the administration bill, S. 3238, and S. 3215, as introduced, contained no funding levels. The committee, after consideration of present programs, projected needs, and ability of the endowments to fully utilize funds, recommends the following levels of funding: For fiscal year 1971, \$40 million; for fiscal year 1972, \$60 million; for fiscal year 1973, \$80 million. The totals would break down to \$20 million, \$30 million, and \$40 million for each endowment over the 3 fiscal years and it should be noted reflects the President's message on the arts as to fiscal year 1971. The committee also has markedly increased the amount of funds authorized for matching purposes for State arts councils and recommends a sum total which would break down for each State to the following approximate figures: For fiscal year 1971, \$75,000 per State; for fiscal year 1972, \$100,000 per State; and for fiscal year 1973, \$125,000 per State.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill to amend the National Foundation on the Arts and the Humanities Act of 1965, and for other purposes."

Mr. GOLDWATER. Mr. President, in acting today on legislation to extend the life of the National Foundation on the Arts and the Humanities, the Senate is completing a bipartisan movement that demonstrates our concern with the Nation's cultural life. I am pleased to be a cosponsor of both of the major bills that were offered in this field and I am delighted that a happy compromise was swiftly worked out between them.

It is a special pleasure for me to note that the Senate Labor and Public Welfare Committee has approved language closely along the lines of two amendments which I had offered to strengthen the bills.

The first amendment which I introduced was designed to carry out the request made by the respective State art agencies for a direct grant of funds to each State of not less than \$100,000 per program year. It is significant that the States passed the funding resolution almost unanimously, with only four nays recorded. This was done at the Federal-State conference held here in Washington in 1969 by the National Endowment for the Arts.

In view of the excellent record of ac-



complishment by the various State agencies, and in light of the tremendous rate of return for each dollar spent by the States, I believed this request to be supported by good commonsense.

That is why I submitted an amendment—No. 495—on February 16 to provide a minimum arts program grant to each State of \$100,000. The Senate committee has taken action which not only fulfills my proposal on behalf of the State agencies, but over a 3-year period will surpass it.

What the committee has done is to recommend an increase in the funding of matching grants to State councils up to \$75,000 in fiscal 1971, \$100,000 in fiscal 1972, and \$125,000 in fiscal 1973.

Mr. President, I am happy to put my stamp of approval on this recommendation and to say that it carries out the full extent of my amendment and even allows a little more for the future.

The second amendment which I introduced on February 16 was for the purpose of directing equal attention by the National Endowment for the Arts to the wonderful things happening on college campuses throughout the United States.

The need for this amendment was brought to my attention by Dean Robert L. Hull at the College of Fine Arts, University of Arizona.

Dean Hull pointed out that the College of Fine Arts has been responsible for concerts, dramatic productions, and art exhibitions numbering over 125 during fiscal year 1969. These events were heard or seen by audiences of 130,000 in Tucson and other places in Arizona.

In addition, the University of Arizona sponsored an artist series of 31 concerts during 1969 which were given before audiences of over 40,000 persons. This means that concerts, plays, and exhibitions sponsored by this one university alone reached audiences of over 170,000 Arizonans, or fully 10 percent of our State's total population.

Another indication of the progress being made at the university is the fact that KUAT-TV, which is the educational television station at the University of Arizona, received a Broadcast Media Award presented at the annual Broadcast Industry Conference of 1969.

Mr. President, with advances and contributions of this magnitude occurring on the campus in America, I feel strongly that the National Foundation should devote close attention to the needs of colleges and universities which are conducting fine arts productions and projects.

In order to prod the arts endowment a bit, I suggested the adoption of an amendment to require that equal attention be given to the needs of institutions of higher learning when the decisions were made as to whom the endowment's general grants should be awarded.

In the words of Dean Hull, I was announcing my hope, through this legislative device, that the National Endowment for the Arts "might restudy the current situation of the arts in America" and "reflect in future support programs the fact that some of the most important artistic activities in America now are being generated by the universities."

Again, I am grateful to the committee for having taken action which implements the purpose of my amendment.

One step the committee took in this direction is to amend section 5(c)(3) of the arts law to provide for projects that will draw artists to the college scene and thereby boost the role of colleges in the arts world.

But, even more, the committee inserted language, in no uncertain terms, into its report that nails down its desire to have the arts endowment pay equal attention to what is going on at the college level.

The committee report reads:

This provision will also serve to complement and encourage growing interest in the arts on the Nation's campuses.

In this connection, the committee also wishes to invite the attention of the Arts Council to encourage arts projects situated on college campuses which serve both nearby communities as well as students.

Consequently, the committee has approved everything I was asking in my two amendments. I certainly want to express my sincere gratitude to the committee members of both parties for the action they took.

Also, I want to add some words about the excellent way the arts endowment has been conducting itself. My two amendments were offered to strengthen our Nation's arts support, and in no way did I intend them to imply any criticism of the National Foundation on the Arts and Humanities.

In reviewing the arts scene in America and the Foundation's role in our cultural life, I must say that I am very impressed by the tangible, down-to-earth contributions that can be traced directly to the Foundation. The hallmark of this body has been its ability to foster the development of artistic activities naturally and freely across the United States without in any way dampening local initiative or private participation in the arts.

Historically, Americans have supported the arts by private, voluntary assistance coupled with help from local sponsoring agencies or groups. And, clearly, this source must continue to be the primary base on which the arts will stand.

But it is here, where the dangers of outside interference are greatest, that the National Foundation has performed with the highest distinction. Far from imposing a meddlesome, heavy hand over the arts scene, the Foundation has achieved a remarkable record of arousing, inspiring, and sustaining local activity and involvement in the arts.

The greatest achievement and strength of the National Foundation has been its proven ability to cultivate action in the arts by private individuals and groups and local governments to the highest point in American history.

The mere existence of the Foundation is directly responsible for an amazing growth in the number of State agencies devoted to the arts. In 1965, before the Foundation was established, there were only 15 statewide bodies concerned with the arts. Today, commissions or councils on the arts exist in all 50 States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

Before the Foundation was created, the amount of funds budgeted for support of cultural programs in most States was practically nil. Today every State appropriates sizable sums at least for the administration of a program in the arts.

In previous remarks on the Senate floor, I have detailed the tremendous advances that have occurred in my home State of Arizona since the Foundation began its operations. I put a complete history of the activities occurring in Arizona in the *Record* for February 17.

The hallmark of our programs has been the ability to engage the whole community in cultural activities. The Arizona Commission on the Arts and Humanities has encouraged localities to increase their own patronage of the arts and it has fostered an expansion of local efforts to bring the performing arts to people and places where there had been little or past opportunity to enjoy "live" events. In short, the Arizona commission has geared its program to the people.

And, hand-in-hand with the great strides taken by the Arts Commission, there has been a fired-up spirit of cultural awareness and enthusiasm sweeping the villages and localities in Arizona.

All this relates to what I am going to say in closing these remarks. Credit should be given where credit is due.

Mr. President, I believe the record is crystal clear that the arts endowment has been a helpful partner where needed to encourage new programs or sustain existing ones. It has kept its nose out of places where it was not needed or wanted. It has unobtrusively contributed to uplifting the Nation's cultural climate, to increasing the national awareness of the importance of the arts, and to sowing the kind of conditions in which the arts can flourish naturally and freely.

Mr. President, so long as the Government's role is limited to providing a climate in which the arts can grow, to engaging each local community in the cultural currents flowing across the Nation, and to bringing the arts to the people, I intend to support the program and commend it. I cannot see anything wrong with preserving our cultural treasures. Cultural resources need to be protected and nurtured fully as much as other national resources.

#### CAPT. JOHN T. LAWLOR

The bill (H.R. 8694) for the relief of Capt. John T. Lawlor (retired) was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the *Record* an excerpt from the report (No. 91-883), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the *Record*, as follows:

#### PURPOSE

The purpose of the proposed legislation is to relieve Capt. John T. Lawlor, a retired Army officer of liability in the amount of \$4,705.84, representing overpayments of retired pay in the period from May 26, 1958, to August 31, 1967, which resulted from an administrative error in the determination of service credit in the computation of that pay.

## STATEMENT

The Department of the Army in its report to the House Judiciary Committee on a similar bill in the 90th Congress stated that it was not opposed to the bill.

The overpayment which is referred to in H.R. 8694 resulted in an error in the compensation of retired pay which remained undiscovered for more than 9 years. John T. Lawlor retired from the Army on August 31, 1955, in the grade of chief warrant officer (W-3). Prior to his enlistment in the Army he had served in the Navy and in the National Guard. At the time of his retirement he had a total of 31 years, 2 months, and 18 days' service of which 27 years, 3 months, and 5 days were active service. Upon retirement, under section 14 of the Warrant Officer Act of 1954, 68 Stat. 163 (repealed as 10 U.S.C. 1293), he was entitled to retired pay equal to 75 percent of the basic pay of a chief warrant officer (W-3), based on his more than 30 years total service. The committee feels that this is a significant fact because, as is noted above and outlined in the Army report, at that time he was paid on the basis of his more than 30 years total service. The pay situation was changed because on May 26, 1958, he was advanced, under section 3964 of title 10, United States Code, to the highest temporary grade in which he had served satisfactorily on active duty; i.e., the grade of captain. Upon his advancement on the retired list, he was entitled to have his retired pay recomputed as provided in section 3992 of title, United States Code. Under this section, the multiplier is determined by multiplying his years of active service, rounded off to the nearest year, by 2½ percent. As thus computed, his new multiplier was 67½ percent. The percentage factor used, however, in computing Captain Lawlor's retired pay in his advanced grade was not 67½ percent but the old rate of 75 percent. This error was not discovered until 1967 and the error resulted in an overpayment to Captain Lawlor in the amount of \$4,705.84 for the period May 26, 1958, through August 31, 1967. As of January 31, 1968, Captain Lawlor has repaid, by withholding \$45 per month from his retired pay, the amount of \$90. As of that date, the balance was \$4,615.84.

The Army report stated that Captain Lawlor's wife, then 57 years of age, was dependent upon him for financial support and is afflicted with a pulmonary ailment. His daughter, then aged 20, was a second-year student at Louisiana State University and was also dependent upon him for support. His income from his Army retirement and his civilian job is approximately \$665 a month. His home is subject to a \$9,000 mortgage and, at the time of the Army report, he owed \$1,000 on the 1966 Corvair automobile. Captain Lawlor is over 60 years of age and suffers from arthritis. As of the time of the Army report, it was contemplated that his then employment contract would end on August 31, 1968, and he anticipated difficulty in securing additional employment. The Army further determined that he had no knowledge that he was receiving excess pay and received his retirement pay in good faith. The Army further determined that repayment in this instance would impose a hardship on Captain Lawlor and his family. For these reasons, the Army did not oppose the bill. The committee agrees that this is a proper subject for legislative relief and recommends that the bill be considered favorably.

## HANNIBAL B. TAYLOR

The bill (H.R. 9910) for the relief of Hannibal B. Taylor was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in

the RECORD an excerpt from the report (No. 91-884), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

## PURPOSE

The purpose of the proposed legislation is to authorize and direct the Secretary of the Treasury to pay the sum of \$964.93 to Hannibal B. Taylor of New Haven, Mo., in settlement of his claims against the United States based on the failure of the U.S. Air Force to compute his retirement pay for the period October 1, 1949, through September 22, 1958, at the rate to which he was entitled as a second lieutenant who served in the Army during World War I.

## STATEMENT

The Department of the Air Force in its report to the House Judiciary Committee on the bill noted that Hannibal B. Taylor had attempted to have the matter adjusted by timely action on his part, and that the Air Force personnel had failed to take the proper action and, for these reasons, it would not object to the bill's enactment.

The Comptroller General in his report to the House committee on the bill indicated that in view of the particular facts and circumstances of this case, the General Accounting Office is not opposed to the bill.

Air Force records show that Lieutenant Taylor, AW2126360, retired from the Army Air Corps on December 31, 1945, after more than 31 years of military service. During his military career, he served as an enlisted member except for a period during World War I, when he served as a second lieutenant, and a period during World War II, when he served as a warrant officer. Concurrent with his retirement, he was advanced from the grade of first sergeant to the grade of second lieutenant on the retired list. Advancement was in accordance with the act of May 7, 1932 (47 Stat. 150), which provided that upon retirement a member would be advanced on the retired list to the highest grade held. This advancement did not authorize computation of retired pay based on the grade to which advanced. Under the act of June 6, 1924 (43 Stat. 472), as amended by the act of June 24, 1936 (49 Stat. 1900), he was entitled to retired pay computed on the pay of a warrant officer. These acts authorized any enlisted member who served as a commissioned officer between April 6, 1917, and November 12, 1918, to have his retired pay based on the pay of a warrant officer upon retirement.

The Career Compensation Act of 1949 (Public Law 81-351 (63 Stat. 802)), effective October 1, 1949, changed the rules for determining the grade in which a member was entitled to be retired and authorized increases in the rates of retired pay. Section 511 of that act provided, among other things, that a member retired before October 1, 1949, was entitled to (a) retired pay based in the active duty rates in effect September 30, 1949, or (b) retired pay equal to 2½ percent of the monthly basic pay of the highest grade held multiplied by his years of service, whichever was greater. To implement this provision, the military departments recomputed the member's retired pay based on the method which would give him the highest rate of retired pay. Under section 513 of the act, an enlisted member who served during World War I was entitled to be advanced on the retired list to the highest federally recognized officer grade held, under a permanent or temporary appointment, between April 6, 1917, and November 11, 1919, and to have his retired pay computed on the basis of the grade to which advanced.

Early in 1950, Lieutenant Taylor applied to the Air Force to have his retired pay recomputed under the Career Compensation Act. On May 5, 1950, the Air Force informed him

that he was eligible for consideration under section 511 of the act. However, the Air Force stated, erroneously, that since the retired pay of all members had been recomputed in accordance with that act, he was receiving retired pay in the highest grade he had ever held and was receiving the maximum benefits for which he was eligible under the Career Compensation Act.

In 1968, an article published in an information bulletin for retired members pointed out that certain members were entitled to be retired in and receive retired pay computed on the highest temporary grade held while on active duty. Lieutenant Taylor asked the Air Force whether he was entitled to have his retired pay recomputed under this provision based on his service as a second lieutenant during World War I. A review of his records showed he was not eligible for advancement under the provisions discussed in the information bulletin since he had held a permanent officer grade during World War I. However, this review showed that the information furnished him in 1950, that he was receiving retired pay based on the highest grade he had ever held, was erroneous. It was also established that he was entitled to receive retired pay computed on the pay of a second lieutenant based on his service during World War I in that grade.

Effective October 1, 1968, Lieutenant Taylor's retired pay was recomputed based on the pay of a second lieutenant. As a result, he received an increase in retired pay of \$5.82 a month. The difference between the retired pay he had received and the pay he should have received from October 1, 1949, through September 30, 1968, was computed at \$1,586.47. Since a portion of this amount represented a claim against the United States which had not been received by the General Accounting Office within 10 years of the date it accrued, the case was submitted to the Claims Division, GAO, for approval prior to payment. This is the basic problem that H.R. 9910 would remedy. The amount stated in the bill is the amount which was not paid to Lieutenant Taylor because of this statute of limitations.

Early in January 1969, GAO approved payment of \$621.54 which was paid to Lieutenant Taylor on January 13, 1969. This amount represents that portion of the claim which accrued from September 23, 1958 (10 years prior to the date the claim was recorded by GAO), through September 30, 1968. As has been noted, payment of the remainder of the claim \$964.92, representing his claim for increased retired pay for the period October 1, 1949, through September 22, 1958 (the period which extends beyond the 10 years within which the claim was recorded by GAO), is barred by the statute of limitations on the filing of claims against the United States (act of October 9, 1940 (31 U.S.C. 71a)). There are no administrative procedures under which this portion of the claim may be paid.

The Department of the Air Force in its report recognized that the failure to properly adjust Lieutenant Taylor's retired pay as authorized by the Career Compensation Act effective October 1, 1949, was the result of administrative error. In considering his case, Air Force personnel overlooked the fact that although his grade on the retired list was that of second lieutenant, which was the highest grade he had ever held, he was receiving retired pay computed on the pay of a warrant officer. The error was compounded when his request for adjustment was received in 1950.

The Air Force in indicating that it was not opposed to enactment of the bill took into consideration the factors outlined above and, in particular, the fact that Lieutenant Taylor in 1950 specifically requested the Air Force that his pay be recomputed under the Career Compensation Act and was given erroneous information which had the effect of denying him the payment with which this bill is con-



cerned. In this connection the Air Force stated:

"The Air Force regrets these administrative errors. Generally, the Air Force opposed any deviation from or exception to the statute of limitations on claims against the United States. In this case, however, Lieutenant Taylor's attempt to have his claim considered on a timely basis was nullified by administrative error. Therefore, the Department of the Air Force interposes no objection to enactment of H.R. 9910."

The General Accounting Office in its report referred to the same facts discussed above and further pointed out that the statute of limitations applicable to payments in this instance required that the application be made to the General Accounting Office within the period. Accordingly, the request made by Mr. Taylor to the Air Force did not have the effect of tolling this statute. However, as has been noted, this factor and the other circumstances of this case were recognized by the General Accounting Office and are taken as the basis for its not opposing enactment of the bill.

Accordingly, the committee recommends favorable consideration of H.R. 9910, without amendment.

#### SANBORN LUMBER CO., INC.

The bill (H.R. 6402) for the relief of Sanborn Lumber Co., Inc., was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-882), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

##### PURPOSE

The purpose of the proposed legislation is to waive the time limitation contained in section 2680 of title 10, United States Code, and to permit consideration of the application of the Sanborn Lumber Co., Inc. for reimbursement of resettlement expenses in connection with the acquisition of its property for the Milford Dam and Reservoir project on the Republican River in Kansas; such application to be filed within 1 year from date of enactment of the bill.

##### STATEMENT

The Department of the Army in its report to the House Judiciary Committee on this bill stated that it had no objection to its enactment.

The property referred to in the bill was acquired by the Government in connection with the construction of the Milford Dam and Reservoir project on the Republican River in Kansas. This project was constructed by the Corps of Engineers under the supervision of the Secretary of the Army, as authorized by the Flood Control Act of September 3, 1954 (68 Stat. 1248, 1262). In this connection, the United States has acquired fee title to approximately 45,000 acres of land involving 675 tracts, and easements over 4,500 acres of land in 200 tracts. Among these lands were tracts 1358 and 1359 acquired in fee from the Sanborn Lumber Co.

Section 2680 of Title 10, United States Code, authorizes the Secretary of a military department to reimburse owners and tenants of lands acquired for that department, for reasonable expenses, losses and damages, incurred as a direct result of moving themselves and their possessions because of the land acquisition. However, it also provides that the application for reimbursement, by the owner or tenant, must be filed within 1 year after the date of acquisition or within 1 year after the property is vacated, whichever date is later.

The Sanborn Lumber Co. was the owner-occupant of business property in the City of Wakefield, Kans., comprising .70 acre of land with improvements, and designated as tracts 1358 and 1359 of the Milford Dam and Reservoir project, Kans. The Corps of Engineers acquired this property by direct purchase on June 14, 1965, for the sum of \$20,000 and the reservation of improvements. In anticipation of the acquisition, the lumber company had previously vacated the property on August 27, 1964. An application for reimbursement of moving expenses in the amount of \$1,575.73, dated January 31, 1967, was received by the Corps of Engineers on February 3, 1967. Since the application was not filed within the statutory time limit, the Sanborn Lumber Co. was advised that the corps was without authority to consider the same. Had the filing been timely, the claim would have been allowed in the full amount.

The Department of the Army in its report advised the House Judiciary Committee that the delay in filing the application within the prescribed time is attributed to the physical disability of Austin P. Sanborn, president and manager of the company. Information furnished the Department by his secretary indicates Mr. Sanborn suffered a heart attack which confined him for many weeks; that subsequently he worked only part time; during 1966 his condition became progressively worse and was often physically or mentally unable to conduct normal business operations. Mr. Austin P. Sanborn died in early 1967. The application was thereafter filed by his brother, Theodore A. Sanborn, as new president of the company.

The Army found that the circumstances outlined above and the practical difficulties which served to delay the filing provide a basis for that Department to withhold any objection to the bill. The Army report stated in this connection:

"It is the general policy of this Department not to favor the waiver of statutory limitations where such affords a special preference over all other persons. However, in the instant case, it appears evident that the failure to submit a timely application was due to physical incapacity rather than negligence or inadvertence. It is believed the equitable consideration of Congress is warranted."

The committee agrees that relief is merited in this case and therefore recommends that the bill be considered favorably.

#### COMDR. EDWIN J. SABEC

The bill (H.R. 5419) for the relief of Comdr. Edwin J. Sabec, U.S. Navy, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-881), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

##### PURPOSE

The purpose of the proposed legislation is to relieve Comdr. Edwin J. Sabec, U.S. Navy, of liability to the United States in the amount of \$4,129.03 representing overpayments of basic pay he received in the period from June 6, 1952, through June 30, 1967, as the result of administrative error in the computation of service for use in establishing his pay entry base date.

##### STATEMENT

The Department of the Navy in its report to the House Committee on the Judiciary advises that it has no objection to favorable consideration of this legislation. The Comptroller General of the United States stated that whether relief should be granted in this

particular case is a matter for determination by the Congress.

This indebtedness with which this bill is concerned resulted from an administrative error in the computation of service to be used in establishing Commander Sabec's pay entry base date. A review of his records by the Department of the Navy indicated that on December 15, 1952, his pay entry base date was established as April 3, 1948. This pay base date erroneously credited a period of enlisted service in the U.S. Marine Corps Reserve from July 30, 1948, to July 25, 1950, while he was serving as a midshipman at the U.S. Naval Academy. He served as a midshipman from July 30, 1948, to June 5, 1952.

The Navy Department advises that the overpayment was the result of an administrative error in granting credit for enlisted service in the U.S. Marine Corps Reserve. He enlisted in the Reserve on July 26, 1948, and was at the Academy until July 25, 1950. After he was commissioned in the U.S. Navy on June 6, 1952, he applied for a revised pay entry base date which would give him credit for his enlisted service prior to entering the Academy. As a result of this request, the pay entry base date was established as April 3, 1948, which included the period that Commander Sabec had dual status as an enlisted Marine reservist and as a midshipman in the Naval Academy. Commander Sabec made an informal request for a verification at that time and he was advised that the pay entry date was correct.

Nothing more occurred in connection with the matter until August of 1967 when Commander Sabec received correspondence from the Bureau of Naval Personnel which stated that his pay entry base date had been changed to March 29, 1950.

No part of the period while Commander Sabec was a midshipman at the Naval Academy is creditable service for pay purposes and it is indicated that the amount of \$4,129.03 represents the overpayment of basic pay which resulted from crediting him with part of such midshipman service.

The Navy Department advises that there is no evidence of lack of good faith and that the error occurred solely as the result of erroneous administrative action by Government personnel, and the Navy Department favors favorable consideration of this legislation.

The committee is in agreement with the Department of the Navy that this bill receive favorable consideration and accordingly the committee recommends favorable consideration of H.R. 5419, without amendment.

#### BEVERLY MEDLOCK AND RUTH LEE MEDLOCK

The bill (H.R. 3920) for the relief of Beverly Medlock and Ruth Lee Medlock was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the Record an excerpt from the report (No. 91-880), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the Record, as follows:

##### PURPOSE

The purpose of the proposed legislation is to provide that the Administrator of Veterans' Affairs shall pay, out of current appropriations for the payment of pension, to Beverly Medlock and Ruth Lee Medlock, the children of Willie Lee Medlock (VA No. XC 11 649 545), in lump sum, the amounts which would have been payable on behalf of each respectively as pension from May 23, 1960, to the date claim therefore was filed for the said Ruth Lee Medlock (November 1, 1967) if application therefore had been appropri-

ately made under laws administered by the Veterans' Administration.

#### STATEMENT

The Veterans' Administration in the report to the House Judiciary Committee dated August 5, 1968, on a previous bill recommended the favorable consideration of the bill.

The Veterans' Administration report states that Willie Lee Medlock, the father of the two children named in the bill, was an honorably discharged veteran of World War II who died in Florida on May 22, 1960, of a non-service-connected cause. An application for monetary death benefits on behalf of the veteran's child, Ruth Lee Medlock, was filed by her paternal grandmother on November 1, 1967.

That application indicated that the other child was not attending school at that time. The grandmother stated that the veteran had left the children in her custody in 1950 and that she adopted them in 1959. The reason that application for benefits was not filed until 1967 was that the veteran had disappeared after placing the children in the grandmother's custody. As noted in the Veterans' Administration report, the grandmother had no knowledge of the veteran's death in 1960 until July of 1966. Apparently she then secured the necessary evidence of the veteran's death and shortly thereafter filed the application referred to in the departmental report.

Veterans' Administration death pension is not payable on account of a child over 18 years of age unless the child became permanently incapable of self-support prior to that age, or is pursuing a course of instruction at an approved educational institution. Consequently, death pension based on the November 1, 1967, application was awarded, effective the same date, only on behalf of Ruth Lee, in the amount of \$40 per month. Payments of that benefit continued through June of 1968, when the child was scheduled to complete her high school education.

There is no limitation on the time in which application may be made for death pension. The law provides a limitation, however, regarding payment of the benefit for a period prior to the date of application. Retroactive payment is authorized, from the month of the veteran's death, if application is received within 1 year from the date of death. Otherwise the benefit is payable only from the date of receipt of the application. (38 U.S.C. 3010 (a) and (d).)

Since the application in this case was not filed within a year after the veteran's death, there presently exists no authority for payment of death pension for any period prior to November 1, 1967, when the application was actually received.

Under the law in effect until July 1, 1960, relating to death pension based on service in World War II, it was required, in addition to 90 days of wartime service, that the veteran at death have had a service-connected disability for which compensation would have been payable if 10 percent or more in degree disabling. Effective July 1, 1960, the law was liberalized to authorize pension based upon 90 days of active service (or less if discharged for disability) without regard to existence of service-connected disability at death.

The Veterans' Administration report states that it is acknowledged that the bill is intended to authorize payment of death pension from the date an award would have been effective under controlling law if an application on behalf of the two children had been filed within 1 year after the veteran's death. It is noted that the earliest possible date of an award based on the death of Willie Lee Medlock was July 1, 1960. This is because he did not have a service-connected disability. This bill would make it possible to pay the benefits these children would have been entitled to had the application been filed within 1 year after May 22, 1960, the date of the

veteran's death. The actual amount of retroactive death pension would depend upon a determination by the Veterans' Administration as to whether the children met all of the requirements of eligibility for the period in question. The Veterans' Administration has stated that if both children met the income and net worth limitations in the law during the period and if the eldest child, Beverly, did not attend school after she became 18, the aggregate amount payable under the bill would be \$4,006.99. This amount consists of an estimated figure of \$1,372.97 for benefits to Beverly Medlock and \$2,634.02 for Ruth Lee Medlock.

The report of the Veterans' Administration recognizes the inequities in this situation. It further notes that the strict provisions of the law bar any administrative relief for the two children. It is therefore obvious that the only recourse for them is to appeal to the Congress for relief. With reference to legislative relief in this instance, the Veterans' Administration stated:

"The current law is such that the responsible Veterans' Administration employees had no choice but doing what they did in assigning the effective date of the death pension award. We feel that the law is too rigid in cases such as this. We plan to study the desirability of legislation that would allow more equitable determinations under these and similar circumstances. Favorable consideration of H.R. 15908 is accordingly recommended."

In view of the recommendation of the Veterans' Administration and the particular circumstances of this case, the committee recommends that the bill be considered favorably.

#### VICTOR L. ASHLEY

The Senate proceeded to consider the bill (H.R. 11060) for the relief of Victor L. Ashley which had been reported from the Committee on the Judiciary with an amendment on page 2, line 3, after the name "Ashley," insert "or in the event of his death, to his estate."

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-885), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

#### PURPOSE

The purpose of the proposed legislation, as amended, is to relieve Victor L. Ashley of Green Cove Springs, Fla., of liability to the United States in the amount of \$2,717.76, representing an overpayment of compensation from January 27, 1957, through June 30, 1960, received by him while employed with the Florida group, Atlantic Reserve Fleet, Green Cove Springs, Fla. The bill would further authorize the repayment of any further amounts repaid or withheld by reason of the above liability.

#### STATEMENT

The Department of the Navy in its report to the committee on an earlier bill stated that it had no objection to enactment of the bill. The Comptroller General in his report on the same bill questioned legislative relief. In the current Congress, in a report on H.R. 11060, the Comptroller General advised the committee that partial relief had been extended to Mr. Ashley under the provisions of

Public Law 90-616 and that the claim had been determined by the Comptroller General to merit relief under that law for that portion of the payment which occurred after July 1, 1960, the date fixed in the law.

The bill would make it possible to relieve Victor L. Ashley of liability to the United States which is based on the same facts and circumstances as were found by the Comptroller General to merit relief under the public law. The compensation in question was received by him while he was employed with the Florida group, Atlantic Reserve Fleet, Green Cove Springs, Fla. The bill also authorizes and directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, to Mr. Ashley an amount equal to the aggregate of the amounts paid by him or withheld from sums otherwise due him, in complete or partial satisfaction of his liability to the United States which was set forth above. In addition, the bill also provides that in the audit and settlement of the accounts of any certifying or disbursing officer of the United States, credit shall be given for amounts for which liability is relieved as a result of this bill.

Prior to January 7, 1957, Mr. Ashley held the upgraded position of shop personnel supervisor and received as compensation the sum of \$6,489.60 per annum. On January 27, 1957, Mr. Ashley's position was brought under the Classification Act and it was changed to personnel assistant, carrying a GS-6 grade. His pay, however, was set in accordance with Federal Employees Pay Regulations 25.103(d) which authorized a saved pay rate and he continued to draw \$6,489.60 per annum for his personnel assistant position. On August 3, 1957, the Civil Service Commission, as a result of a decision of the Comptroller General, B-10480 (unpublished) of August 2, 1947, revoked Federal Employees Pay Regulation 25.103(d). The unpublished Comptroller General decision previously mentioned referred to 31 Comp. Gen. 251, 253 (1955) which stated that with regard to Federal Employees Pay Regulations 25.401 through 25.408 pertaining to salary retention in demotion actions, "we will be required to withhold credit for any payment of compensation hereafter made under said sections." A similar statement was not included in the unpublished decision of August 2, 1947, and consequently it was concluded that actions processed prior to the date of the unpublished decision of October 2, 1957 required no change. Mr. Ashley was included within this category and as a result continued to draw at a saved pay rate. The Department's instructions issued on January 13, 1958 (Office of Industrial Relations Notice 12195) were based on the above interpretation. That notice provided that if an employee's rate of pay had been saved on the basis of Federal Employees Pay Regulation 25.103(d) effective on or after August 3, 1957, it would be necessary to correct his rate of pay to the maximum scheduled step of the grade in which his position was placed, retroactively to the effective date of the original action. Under this interpretation, no corrective action was required for those employees, in Mrs. Ashley's category, whose pay had been saved prior to August 3, 1957.

As is obvious from the facts outlined above, Mr. Ashley's salary was computed on the basis of the saved rate in accordance with instructions issued by the Navy Department. Further, these instructions were based upon civil service regulations.

This committee has considered all of the aspects of this matter and has concluded that this case presents a clear-cut basis for relief. Further, the committee has been advised that Mr. Ashley is over 60 years of age and this liability places a heavy burden upon him presently and presents a problem concerning his retirement plans. Accordingly it is recommended that the bill be considered favorably, as amended.



# DISTRICT OF COLUMBIA POLICE AND FIREMEN'S SALARY ACT AND TEACHERS' SALARY ACT

The Senate proceeded to consider the bill (H.R. 17138) to amend the District of Columbia Police and Firemen's Salary Act of 1958 and the District of Columbia Teachers' Salary Act of 1955 to increase salaries and for other purposes, which

had been reported from the Committee on the District of Columbia, with an amendment, strike out all after the enacting clause and insert:

## TITLE I—SALARY INCREASES FOR DISTRICT OF COLUMBIA POLICEMEN AND FIREMEN

SEC. 101. Section 101 of the District of Columbia Police and Firemen's Salary Act of

1958 (D.C. Code, sec. 4-823) is amended to read as follows:

"SEC. 101. The annual rate of basic compensation of the officers and members of the Metropolitan Police force and the Fire Department of the District of Columbia shall be fixed in accordance with the following schedule of rates:

"SALARY SCHEDULE

"Salary class and title	Service steps					Longevity steps			
	1	2	3	4	5	6	A	B	C
Class 1:									
Subclass (a).....	\$8,500	\$8,755	\$9,180	\$9,605	\$10,285	\$10,965	\$11,390	\$11,815	\$12,240
Fire private.									
Police private.									
Subclass (b).....	9,095	9,350	9,775	10,200	10,880	11,560	11,985	12,410	12,835
Private assigned as:									
Technician.									
Plainclothesman.									
Station clerk.									
Motorcycle officer.									
Class 2:									
Subclass (a).....	9,775	10,340	10,905	11,470			12,035	12,600	13,165
Fire inspector.									
Subclass (b).....	10,370	10,935	11,500	12,065			12,630	13,195	13,760
Fire inspector assigned as technician.									
Class 3.....	10,625	11,155	11,685	12,215			12,745	13,275	13,805
Assistant marine engineer.									
Assistant pilot.									
Detective.									
Class 4:									
Subclass (a).....	11,050	11,600	12,150	12,700			13,250	13,800	14,350
Fire Sergeant.									
Police Sergeant.									
Subclass (b).....	11,475	12,050	12,625	13,200			13,775	14,350	14,925
Detective sergeant.									
Subclass (c).....	11,645	12,195	12,745	13,295			13,845	14,395	14,945
Police sergeant assigned as motorcycle officer.									
Class 5.....	12,750	13,390	14,030	14,670			15,310	15,950	
Fire lieutenant.									
Police lieutenant.									
Class 6.....	13,815	14,505	15,195	15,885			16,575	17,265	
Marine engineer.									
Pilot.									
Class 7.....	14,875	15,620	16,365	17,110			17,855	18,600	
Fire captain.									
Police captain.									
Class 8.....	17,000	17,850	18,700	19,550			20,400	21,250	
Battalion fire chief.									
Police inspector.									
Class 9.....	19,550	20,530	21,510	22,490			23,470	24,450	
Deputy fire chief.									
Deputy chief of police.									
Class 10.....	21,500	22,500	23,500	24,500			25,500	26,500	
Assistant fire chief.									
Assistant chief of police.									
Commanding officer of White House Police.									
Commanding officer of the U.S. Park Police.									
Class 11.....	27,000	28,000	29,000	30,000					
Fire chief.									
Chief of police.									

SEC. 102. The rates of basic compensation of officers and members to whom the amendments made by section 101 of this title apply shall be adjusted as follows:

Each officer and member receiving basic compensation immediately prior to the effective date of this title at one of the scheduled service or longevity rates of a salary class or subclass in the salary schedule in section 101 of the District of Columbia Police and Firemen's Salary Act of 1958 shall receive a rate of basic compensation at the corresponding scheduled service or longevity rate in effect on and after the effective date of this title, except that:

(a) Each officer or member who immediately prior to the effective date of this title was assigned as technician I or plainclothesman in subclass (b) of class 1 or as technician II, station clerk, or motorcycle officer in subclass (c) of class 1 shall, on the effective date of this title be assigned as and receive basic compensation as technician, plainclothesman, station clerk, or motorcycle officer in subclass (b) of class 1 at the service step or longevity step in subclass (b) corresponding to that service step or longevity step in which he was serving immediately prior to the effective date of this title.

(b) Each officer or member who immediately prior to the effective date of this title was serving as a fire inspector assigned as technician I or technician II in subclass (b) or (c) of class 2 shall, on the effective date

of this title, be placed and receive basic compensation as fire inspector assigned as technician in subclass (b) of class 2 at the service step or longevity step in subclass (b) corresponding to that service step or longevity step in which he was serving immediately prior to the effective date of this title.

(c) Each officer or member who immediately prior to the effective date of this title was serving in subclass (b) of class 9 shall, on the effective date of this title be placed in and receive basic compensation in class 10 at the service step or longevity step corresponding to that service step or longevity step in which he was serving immediately prior to the effective date of this title.

(d) The Fire Chief or Chief of Police who immediately prior to the effective date of this title was serving in class 10 shall on the effective date of this title be placed in and receive basic compensation in class 11 at the service step in which he was serving immediately prior to the effective date of this title.

(e) Each officer or member of the Metropolitan Police force who is performing the duty of a dog handler on or after the effective date of this title shall receive in addition to his basic compensation an additional \$595 per annum, except that if a police private is classed as technician in subclass (b) of class 1 in the salary schedule in section 101 of the District of Columbia Police and Firemen's Salary Act of 1958 solely on account of his duties as dog handler, such po-

lice private shall not be entitled to the additional compensation authorized by this paragraph.

SEC. 103. Section 303(c) of the District of Columbia Police and Firemen's Salary Act of 1958, as amended (D.C. Code, sec. 4-829 (c)), is amended by deleting "(b), or (c)" and inserting in lieu thereof "or (b)".

SEC. 104. Paragraphs (2) and (3) of section 401(a) of the District of Columbia Police and Firemen's Salary Act of 1958 (D.C. Code, sec. 4-832(a)) are amended to read as follows:

"(2) Not more than three successive longevity step increases may be granted to any officer or member in salary classes 1 through 4, nor more than two successive longevity step increases may be granted to any officer or member in salary classes 5 through 10.

"(3) In the case of the officers or members serving in salary classes other than class 1, each longevity step increase shall be equal to one step increase of the salary class or subclass of a salary class in which the officer or member is serving."

SEC. 105. (a) Section 105 of Public Law 88-575, approved September 2, 1964 (78 Stat. 882; D.C. Code, sec. 4-832(c)), is repealed, effective on the date of enactment of this title.

(b) Notwithstanding this section, the rate of basic, gross, or total annual pay received by an officer or member immediately before the effective date of this title shall not be

reduced by reason of the enactment of this section.

SEC. 106. Except for section 105, this title shall take effect on the first day of the first pay period beginning on or after July 1, 1969.

SEC. 107. This title may be cited as the

"District of Columbia Police and Fireman's Salary Act Amendments of 1969".

# TITLE II—SALARY INCREASE FOR DISTRICT OF COLUMBIA TEACHERS

SEC. 201. This title may be cited as the "District of Columbia Teachers' Salary Act Amendments of 1969".

SEC. 202. The District of Columbia Teachers' Salary Act of 1955 (69 Stat. 521), as amended (D.C. Code, sec. 31-1501 et seq.), is amended as follows:

(1) Section 1 (D.C. Code, sec. 31-1501) is amended by striking the salary schedules contained therein and inserting in lieu thereof the following:

## "PROPOSED TEACHERS' SALARY ACT AMENDMENTS

	"Service Steps								
	1	2	3	4	5	6	7	8	9
Class 1:									
A Superintendent of Schools.....	\$38,500								
B Vice superintendent.....	35,000								
Class 2:									
A Deputy superintendent.....	31,000								
B Associate superintendent.....	29,000								
Class 3:									
Assistant superintendent.....	22,190	\$22,720	\$23,250	\$23,780	\$24,310	\$24,840	\$25,370	\$25,900	\$26,430
Class 4:									
Director, curriculum.....	19,480	19,940	20,400	20,860	21,320	21,780	22,240	22,700	23,160
Director, staff development.									
Executive assistant to superintendent.									
Class 5:									
Group A, bachelor's degree.....	17,600	18,040	18,480	18,920	19,360	19,800	20,240	20,680	21,120
Group B, master's degree.....	18,380	18,820	19,260	19,700	20,140	20,580	21,020	21,460	21,900
Group C, master's degree plus 30 credit hours.....	18,770	19,210	19,650	20,090	20,530	20,970	21,410	21,850	22,290
Group D, doctor's degree.....	19,160	19,600	20,040	20,480	20,920	21,360	21,800	22,240	22,680
Chief examiner.									
Executive assistants to vice and Associate superintendents.									
Director of food services.									
Director, industrial and adult education.									
Class 6:									
Group B, master's degree.....	17,860	18,285	18,710	19,135	19,560	19,985	20,410	20,835	21,260
Level IV, principal.....	17,860	18,285	18,710	19,135	19,560	19,985	20,410	20,835	21,260
Level III, principal.....	17,345	17,770	18,195	18,620	19,045	19,470	19,895	20,320	20,745
Level II, principal.....	16,830	17,255	17,680	18,105	18,530	18,955	19,380	19,805	20,230
Level I, principal.....	16,315	16,740	17,165	17,590	18,015	18,440	18,865	19,290	19,715
Group C.M.A. plus 30.....	18,250	18,675	19,100	19,525	19,950	20,375	20,800	21,225	21,650
Level IV, principal.....	18,250	18,675	19,100	19,525	19,950	20,375	20,800	21,225	21,650
Level III, principal.....	17,735	18,160	18,585	19,010	19,435	19,860	20,285	20,710	21,135
Level II, principal.....	17,220	17,645	18,070	18,495	18,920	19,345	19,770	20,195	20,620
Level I, principal.....	16,705	17,130	17,555	17,980	18,405	18,830	19,255	19,680	20,105
Group D, doctor's degree.....	18,640	19,065	19,490	19,915	20,340	20,765	21,190	21,615	22,040
Level IV, principal.....	18,640	19,065	19,490	19,915	20,340	20,765	21,190	21,615	22,040
Level III, principal.....	18,125	18,550	18,975	19,400	19,825	20,250	20,675	21,100	21,525
Level II, principal.....	17,610	18,035	18,460	18,885	19,310	19,735	20,160	20,585	21,010
Level I, principal.....	17,095	17,520	17,945	18,370	18,795	19,220	19,645	20,070	20,495
Assistant to assistant superintendent (elementary schools).									
Assistant to assistant superintendent (junior and senior high schools).									
Assistant to assistant superintendent (general research, budget, and legislation).									
Assistant to assistant superintendent of pupil personnel services.									
Assistant to assistant superintendent (industrial and adult education, vocational education, evening and summer school).									
Director, elementary education (supervision and instruction).									
Director, health, physical education, athletics, and safety.									
Director, special education.									
Principal, senior high school.									
Principal, junior high school.									
Principal, elementary school.									
Principal, vocational high school.									
Principal, Americanization school.									
Principal, boys' junior-senior high school.									
Principal, Capitol Page School.									
Principal, health school.									
Principal, laboratory school.									
Principal, veterans' high school.									
Class 7:									
Group B, master's degree.....	16,205	16,595	16,985	17,375	17,765	18,155	18,545	18,935	19,325
Group C, master's degree plus 30 credit hours.....	16,595	16,985	17,375	17,765	18,155	18,545	18,935	19,325	19,715
Group D, doctor's degree.....	16,985	17,375	17,765	18,155	18,545	18,935	19,325	19,715	20,105
Supervising director, elementary education (supervision and instruction).									
Supervising director, audiovisual instruction.									
Supervising director, adult education and summer school.									
Supervising director, subject field.									
Supervising director, reading clinic.									
Supervising director, athletics.									
Director, school attendance.									
Supervising director, curriculum.									
Director, elementary education.									
Director, elementary education (administration).									
Class 8:									
Group B, master's degree.....	14,685	14,985	15,385	15,785	16,185	16,585	16,985	17,385	17,785
Group C, master's degree plus 30 credit hours.....	15,005	15,305	15,705	16,105	16,505	16,905	17,305	17,705	18,105
Group D, doctor's degree.....	15,325	15,625	16,025	16,425	16,825	17,225	17,625	18,025	18,425
Statistical analyst.									
Assistant principal, senior high school.									
Assistant principal, junior high school.									
Assistant principal, elementary school.									
Assistant principal, vocational high school.									
Assistant principal, Americanization school.									
Assistant principal, health school.									
Class 9:									
Group A, bachelor's degree.....	13,880	14,240	14,600	14,960	15,320	15,680	16,040	16,400	16,760
Group B, master's degree.....	14,660	15,020	15,380	15,740	16,100	16,460	16,820	17,180	17,540
Group C, master's degree plus 30 credit hours.....	15,050	15,410	15,770	16,130	16,490	16,850	17,210	17,570	17,930
Group D, doctor's degree.....	15,440	15,800	16,160	16,520	16,880	17,240	17,600	17,960	18,320
Assistant director, food services.									
Class 10:									
Group B, master's degree.....	14,095	14,445	14,795	15,145	15,495	15,845	16,195	16,545	16,895
Group C, master's degree plus 30 credit hours.....	14,485	14,835	15,185	15,535	15,885	16,235	16,585	16,935	17,285
Group D, doctor's degree.....	14,875	15,225	15,575	15,925	16,275	16,625	16,975	17,325	17,675
Assistant director, audiovisual instruction.									
Assistant director, subject field.									
Assistant director, adult education and summer school.									
Supervisor, elementary education.									



## "PROPOSED TEACHERS' SALARY ACT AMENDMENTS—Continued

	"Service Steps								
	1	2	3	4	5	6	7	8	9
Class 11:									
Group B, master's degree.....	\$13,670	\$14,005	\$14,340	\$14,675	\$15,010	\$15,345	\$15,680	\$16,015	\$16,350
Group C, master's degree plus 30 credit hours.....	14,060	14,395	14,730	15,065	15,400	15,735	16,070	16,405	16,740
Group D, doctor's degree.....	14,450	14,785	15,120	15,455	15,790	16,125	16,460	16,795	17,130
Assistant director, practical nursing.									
Class 12:									
Group B, master's degree.....	13,200	13,525	13,850	14,175	15,400	14,825	14,150	15,475	15,800
Group C, master's degree plus 30 credit hours.....	13,590	13,915	14,240	14,565	14,890	15,215	15,540	15,865	16,190
Group D, doctor's degree.....	13,980	14,305	14,630	14,955	15,280	15,605	15,930	16,255	16,580
Chief attendance officer.									
Clinical psychologist.									

	"Service steps												
	1	2	3	4	5	6	7	8	9	10	11	12	13
Class 13:													
Group B, master's degree.....	\$12,080	\$12,465	\$12,850	\$13,235	\$13,620	\$14,005	\$14,390	\$14,775	\$15,160				
Group C, master's degree plus 30 credit hours.....	12,470	12,855	13,240	13,625	14,010	14,395	14,780	15,165	15,550				
Group D, doctor's degree.....	12,860	13,245	13,630	14,015	14,400	14,785	15,170	15,555	15,940				
Assistant professor, laboratory school.													
Psychiatric social worker.													
Class 14:													
Group A, bachelor's degree.....	9,250	9,660	10,070	10,480	10,890	11,300	11,710	12,120	12,530	\$12,940	\$13,350	\$13,760	\$14,170
Group B, master's degree.....	10,030	10,440	10,850	11,260	11,670	12,080	12,490	12,900	13,310	13,720	14,130	14,540	14,950
Group C, master's degree plus 30 credit hours.....	10,420	10,830	11,240	11,650	12,060	12,470	12,880	13,290	13,700	14,110	14,520	14,930	15,340
Group D, doctor's degree.....	10,810	11,220	11,630	12,040	12,450	12,860	13,270	13,680	14,090	14,500	14,910	15,320	15,730
Coordinator of practical nursing.													
Census supervisor.													

## "CLASS 15

	"Service steps												
	1	2	3	4	5	6	7	8	9	10	11	12	13
Group A, bachelor's degree.....	\$8,000	\$8,320	\$8,640	\$8,960	\$9,280	\$9,600	\$9,950	\$10,300	\$10,650	\$11,000	\$11,350	\$11,700	\$12,050
Group A-1, bachelor's degree plus 15 credit hours.....	8,400	8,720	9,040	9,360	9,680	10,000	10,360	10,720	11,080	11,440	11,800	12,160	12,520
Group B, master's degree.....	8,800	9,175	9,550	9,925	10,450	11,000	11,500	11,900	12,300	12,700	13,100	13,500	13,900
Group C, master's degree plus 30 credit hours.....	9,200	9,575	9,950	10,325	10,850	11,400	11,900	12,300	12,700	13,100	13,500	13,900	14,300
Group D, master's degree plus 60 credit hours.....	9,600	9,975	10,350	10,725	11,250	11,800	12,300	12,700	13,100	13,500	13,900	14,300	14,700
Teacher, elementary and secondary schools.													
Attendance officer.													
Child labor inspectors.													
Counselor, placement.													
Counselor, elementary and secondary schools.													
Librarian, elementary and secondary schools.													
Research assistant.													
School social worker.													
Speech correctionist.													
School psychologist.													

(2) Section 2(c)(2) (D.C. Code, sec. 31-1511(c)(2)) is amended to read as follows:

"(2) The terms 'plus fifteen credit hours' and 'plus thirty credit hours' means the equivalent of not less than fifteen graduate semester hours beyond the bachelor's degree or thirty graduate semester hours beyond the master's degree as the case may be in academic, vocational, or professional courses, representing a definite educational program satisfactory to the Board, except that in the case of a shop teacher in the vocational education program the fifteen or thirty semester hours need not be graduate semester hours. Graduate credit hours beyond thirty which were earned prior to obtaining a master's degree may be applied in computing such thirty credit hours. The term 'plus sixty credit hours' means the equivalent of not less than sixty graduate semester hours in academic, vocational, or professional courses beyond a master's degree, representing a definite educational program satisfactory to the Board, except that in the case of a shop teacher in the vocational education program the sixty semester hours need not be graduate semester hours. Graduate credit hours beyond thirty which were earned prior to obtaining a master's degree may be applied in computing such sixty credit hours."

(3) Section 3 (D.C. Code, sec. 31-1512) is amended by adding the words "or salary class" immediately after the word "position" each time it appears in the section.

(4) Section 4 (D.C. Code, sec. 31-1521) is amended to read as follows:

"Sec. 4. Any employee of the Board of Education in group A of salary class 15 who

possesses a bachelor's degree plus fifteen credit hours shall be transferred in accordance with section 10 (a) and (b) to group IA of salary class 15."

(5) Section 5 (D.C. Code, sec. 31-1522) is amended by adding a subsection (f), reading as follows:

"(f) Whenever a teacher or school officer is changed to a lower salary class or to a lower level in the same salary class as in the case of school principals in the public school system, the Superintendent of Schools is authorized to fix the rate of compensation at a rate provided for in the salary class or level to which the employee is changed which does not exceed his existing rate of compensation, except that if his existing rate falls between two service steps provided in such lower salary class or level, he shall receive the higher of such rates; if he is receiving a rate of basic compensation in excess of the maximum rate provided in such lower class or level in which he is to be placed, he will retain his existing rate of compensation and receive one-half of any future increases granted his new salary class or level: Provided, That such reduction to a lower salary class or level is for reasons other than (a) for personal cause; (b) at his own request; (c) as a condition of a previous temporary promotion to a higher grade; or, (d) because of a reduction in force brought about by lack of funds or curtailment of work."

(6) Section 6(a)(1) (D.C. Code, sec. 31-1531(a)(1)) is amended to read as follows:

"(1) On July 1, following the effective date of the District of Columbia Teachers' Salary

Act Amendments of 1969 each permanent employee in salary class 15 who is on service step 13 and completes 15 years of creditable service shall be assigned to longevity step Y. Each permanent employee in salary class 15 who is on longevity step X, on such effective date, shall be assigned to longevity step Y. In determining years of creditable service in salary classes 3 through 15 for placement on service steps, credit shall be given for previous service in accordance with the provisions of this Act governing the placement of employees who are newly appointed, reappointed, or reassigned or who are brought under this Act in accordance with the provisions of section 5."

(7) Section 6(b) (D.C. Code, sec. 31-1531(b)) is amended by striking everything in the paragraph after the second sentence and inserting in lieu thereof the following: "Beginning July 1 following the effective date of the District of Columbia Teachers' Salary Act Amendments of 1969, each permanent employee who has not reached the highest service step for his salary class, or class and group, under this Act shall advance one such step each year until he reaches the highest step for his class, or class and group, except that each employee in salary class 15 shall advance from service step 13 to longevity step Y on July 1, following the completion of fifteen years of creditable service: *Provided*, That the Board of Education, on the written recommendation of the Superintendent of Schools, is authorized to deny any such salary advancement for the year immediately following any year in which the employee fails to receive

a performance rating of 'satisfactory' from his superior officer."

(8) Section 10, subsections (a) and (b) (D.C. Code, sec. 31-1535 (a) and (b)) are amended to read as follows:

"(a) On and after the effective date of the District of Columbia Teachers' Salary Act Amendments of 1969, each promotion to group B, group C, or group D, within a salary class or group IA within salary class 15, shall become effective—

"(1) on the date of the regular Board meeting of the twelfth month prior to the date of approval of promotion by the Board, or

"(2) on the effective date of the master's degree or doctor's degree or on the completion of thirty or sixty credit hours beyond the master's degree or fifteen credit hours beyond the bachelor's degree in salary class 15, as the case may be, whichever is later.

"(b) Any employee in a position in a salary class in the salary schedules in section 1 of this Act who is promoted to group B, group C, or group D of such salary class or group IA in the case of salary class 15, shall be placed in the same numerical service step in his new group which he would have occupied in the group from which promoted."

(9) Section 13(a) (D.C. Code, sec. 31-1542(a)) is amended to read as follows:

"(a) The Board is authorized to conduct as part of its public school system the following: summer school programs, extended school year programs, adult education programs, and Americanization schools under and within appropriations made by Congress. The pay for teachers, officers, and other education employees in the summer school programs, adult education programs, and veterans' summer high school centers shall be as follows:

Classification	Per period		
	Step 1	Step 2	Step 3
Summer school (regular):			
Teacher, elementary and secondary schools; counselor, elementary and secondary schools; librarian, elementary and secondary schools; school social worker; speech correctionist; school psychologist.....	\$6.86	\$7.61	\$8.42
Psychiatric social worker.....	8.02	8.92	9.86
Clinical psychologist.....	8.35	9.29	10.28
Assistant principal, elementary and secondary school.....	9.69	10.77	11.92
Supervising director.....	10.02	11.15	12.33
Principal, elementary and secondary schools.....	10.69	11.89	13.15
Veterans' summer school centers: Teacher.....	6.86	7.61	8.42
Adult education schools:			
Teacher.....	7.54	8.38	9.27
Assistant principal.....	10.66	11.85	13.11
Principal.....	11.76	13.07	14.46."

(10) Section 13(d) (1) (D.C. Code, sec. 31-1542(d) (1)) is amended to read as follows:

"(1) The Board is authorized to pay an employee in salary class 15 who performs an extra-duty activity the additional compensation prescribed for such extra-duty activity by the Commissioner in accordance with this subsection: *Provided*, That (1) the activity involves the supervision and direction of students who select such activity voluntarily and (2) that the activity is performed on a continuing basis in addition to the standard teaching load of a regular duty school teacher or work load assigned to other employees in salary class 15."

(11) Section 13(d) (2) (D.C. Code, sec. 31-1542(d) (2)) is amended by adding the words "or other employees" after "classroom teachers" each time it appears in the subsection, and by striking out "monthly" and inserting in lieu thereof "semimonthly".

(12) Section 14 (D.C. Code, sec. 31-1543) is amended to read as follows: "On July 1, 1970, each employee assigned to salary class 15 shall be classified as a teacher for payroll purposes and his annual salary shall be paid in semimonthly installments in accordance with existing law. All other employees covered by the provisions of this Act shall have their annual salaries paid in twenty-four semimonthly installments in accordance with existing law. Annual salaries for employees paid in twenty-four semimonthly installments means calendar year for purposes of this section."

Sec. 203. The increase provided in this title for the position of Superintendent of Schools under class IA shall be effective only with respect to an individual who is appointed to that position subsequent to the date of the enactment of this title.

Sec. 204. The Act approved May 26, 1908, entitled "An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and nine, and for other purposes" is amended as follows:

(1) The final proviso under PUBLIC SCHOOLS, ALLOWANCE TO PRINCIPALS (D.C. Code, sec. 31-609), is amended to read as

follows: "That, effective July 1, 1970, the salaries of employees in salary class 15 and such other employees who were paid on a ten-month basis immediately prior to the effective date of the District of Columbia Teachers' Salary Act Amendments of 1969, whose services commence with the opening of school and who shall perform their duties, shall begin on the 1st day of September and shall be paid in twenty semimonthly installments. The first payment shall be made on the 1st day of October, or as near that date as practicable; and the second payment shall be made fifteen days thereafter or as near that date as practicable. Subsequent payments shall be on the first and sixteenth days of the month or as near those dates as practicable: *Provided*, That the salaries of other employees in salary class 15 shall begin when they enter upon their duties.

(2) The final paragraph under PUBLIC SCHOOLS, ALLOWANCE TO PRINCIPALS (D.C. Code, sec. 31-630), is amended to read as follows:

"Effective July 1, 1970, the following rules for division of time and computation of pay for services rendered are hereby established: Compensation of all employees in salary class 15 and such other employees who were paid on a ten-month basis immediately prior to the effective date of the District of Columbia Teachers' Salary Act Amendments of 1969 shall be paid in twenty semimonthly installments. In making payments for a fractional part of a month, one-fifteenth of an installment shall be the daily rate of pay. For the purpose of computing such compensation and for computing time for services rendered during a fractional part of a semimonthly period in connection with the compensation of such employees, each and every semimonthly period shall be held to consist of fifteen days, without regard to the actual number of days in any semimonthly period thus excluding the thirty-first day of any calendar month from the computation and treating February as if it actually had thirty days. Any person entering the service of the schools during a thirty-one day month and serving until the end thereof shall be entitled to pay for that month from the date of entry to the thirtieth day of said month,

both days inclusive; and any person entering said service during the month of February and serving until the end thereof shall be entitled to one month's pay, less as many days thereof as there were days elapsed prior to the date of entry: *Provided*, That for one day's unauthorized absence on the thirty-first day of any calendar month one day's pay shall be forfeited."

Sec. 205. The provisions of this title shall take effect on the first day of the first pay period which begins on or after September 1, 1969.

#### TITLE III—FUNDS

Sec. 301. (a) For the fiscal year ending June 30, 1970, there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the District of Columbia, in addition to any other amounts authorized under this or any other Act to be appropriated to the District of Columbia for such fiscal year, the amount of \$5,200,000 for use in payment of increases in salaries of police, firemen, teachers, and school officers authorized by this Act for the period commencing January 1, 1970, and ending June 30, 1970.

(b) (1) For the fiscal year ending June 30, 1970, there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated to the District of Columbia, in addition to any other amounts authorized under this or any other Act to be appropriated to the District of Columbia for such fiscal year, the amount of \$5,600,000 for use in payment of increases in salaries of police, firemen, teachers, and school officers authorized by this Act for the period commencing January 1, 1970, and ending June 30, 1970.

(2) In the event that the tax revenues of the District of Columbia are increased during the fiscal year ending June 30, 1970, by reason of legislation enacted by the Congress subsequent to the date of the enactment of this Act, the District of Columbia, with respect to any amount appropriated pursuant to paragraph (1) of this subsection, shall reimburse the United States in an amount equal to the amount of such increase in tax revenues received by the District of Columbia during such fiscal year, or such amount so appropriated, whichever is the lesser.

Sec. 302. For the fiscal year ending June 30, 1970, there is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, to the District of Columbia, in addition to any other amounts authorized under this or any other Act to be appropriated to the District of Columbia for such fiscal year, the amount of \$10,746,000 for use in payment of increases in salaries of police, firemen, teachers, and school officers authorized by this Act for the period commencing July 1, 1969, and ending December 31, 1969.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-386), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

#### PURPOSE OF THE BILL

The bill, H.R. 17138, as amended by the committee, will provide long overdue pay increases for District of Columbia police, firefighters, and teachers, as well as the revenue to pay for those pay increases.



## BACKGROUND OF THE LEGISLATION

The committee amendment, in the nature of a substitute, is identical to S. 2694, passed by the Senate December 22, 1969, to amend the District of Columbia police and firemen's salary act of 1958 and the District of Columbia Teachers' Salary Act of 1955 to increase salaries, and for other purposes. Subsequently, on May 11, 1970, the House of Representatives passed H.R. 17138, to provide similar pay increases and an increase in the District of Columbia income tax to finance them.

The committee desires the promptest possible congressional action to enact the pay increases provided by both of these bills. Therefore, the committee now reported the House bill with the Senate-passed bill as an amendment in the nature of a substitute.

Favorable Senate action on H.R. 17138, as amended, will permit a conference on the pay raise legislation passed separately by the two Houses.

Mr. MANSFIELD. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. ALLEN) appointed Mr. TYDINGS, Mr. BIBLE, Mr. SPONG, Mr. EAGLETON, Mr. PROUTY, Mr. GOODSELL, and Mr. MATHIAS conferees on the part of the Senate.

## ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order the Senator from Arizona is recognized for not to exceed 20 minutes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum without any time being taken from the Senator's time.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FANNIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## U.S. BALANCE OF TRADE

Mr. FANNIN. Mr. President, for so many years our great Nation has enjoyed a favorable balance of trade. Our industrial development overshadowed that of the other nations of the world. That picture has been changing. Our surplus in our balance of trade has virtually disappeared. This is serious and alarming.

In the early 1960's our trade balance was \$5 to \$6 billion a year. This went a long way to offset other elements in the balance of payments such as foreign aid which has shown a great outflow of dollars over the years.

By 1968 our trade balance fell to less than \$1 billion, and there is no immediate prospect that 1970 or 1971 will be any better.

It is not because our exports have shrunk. We simply have been losing jobs to our overseas competitors at a rate that cannot be anything but disturbing to us.

The Secretary of Commerce, Maurice

Stans, pointedly cited this concern last September:

If imports of textiles and apparel continue to grow at the present rate there could be a loss of 100,000 jobs a year in this country.

Mr. President, this is the ultimate result when our imports grow at a much faster rate than our exports. Last year, our imports reached 24 percent, while our exports reached only 10 percent.

Textile-apparel unions estimate that increased synthetics and wool imports have wiped out 200,000 jobs since 1964. And these jobs largely are low-income workers whose skills, or lack of them, make them relatively unavailable to other industries.

The Labor Department has reported the loss in the last 2 years of 48,000 jobs in the manufacture of radio and TV sets and components. Many of those affected are middle-aged women with few other job opportunities. Similar complaints have been heard from other industries such as steel, chemicals, shoes, and flat glass.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a letter from the United Shoe Workers of America dated April 29, 1970.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED SHOE WORKERS OF AMERICA,  
Washington, D.C., April 29, 1970.

DEAR SENATOR: Our workers in the shoe industry are very concerned about a letter of October 30, 1969 addressed to President Nixon, with copies to each member of Congress, by Morton B. Weiss, President of the Volume Footwear Retailers of America, formerly the National Association of Shoe Chain Stores. These retailers have every right to fight restrictions but they have not presented all the facts. The shoe workers are concerned because they feel that the Senators and Congressmen may not be aware of exactly whom VFRA represents and where their interests lie. Further, our workers are concerned about some very misleading statements made in this letter.

As the chain store points out, its association represents some 20,000 stores and departments that purchase over 600 million pairs of footwear per year. This gives the impression that it represents all the shoe retailers of America. What the letter does not say is that VFRA's membership consist of some 50 giant chain store operators. They represent less than one-tenth of one percent of the more than 80,000 firms in this country that sell footwear at retail, although they account for 60 percent of the nation's annual shoe volume. Hundreds of medium and small shoe manufacturers depend on these chains for their continued operation.

Furthermore, VFRA's letter to President Nixon does not mention that these giant multiple chain store groups account for the bulk of the footwear imported into this country. The lower prices abroad, because of lower wages paid to workers abroad, has made it possible for them to maintain their price lines and increase their profits.

The year of 1969 total footwear imports amounted to around 200 million pairs of leather and vinyl shoes. For every 10 million pairs of shoes imported, 3,000 American shoe workers lose their opportunity for work. Our industry employs some 200,000 of these people. They have a talent and preference for jobs that call for hand skills. Many of these are older people and are from disadvantaged urban and rural areas. Also, the shoemaking

industry offers job opportunities to many of the veterans coming back from Vietnam.

At the rate that imports have increased, from 3.5 percent of U.S. shoe production in 1959 to 37.5 percent in 1969, they will, in all likelihood, equal American output by 1975. You can plainly see why our workers are very much concerned. The chains apparently consider this a healthy situation, but it would certainly be unhealthy for the workers who lose their jobs.

The chain's letter makes it clear that they know imports are hurting shoe manufacturers. They say they are willing to help. But they don't want to go along with voluntary arrangements like those in the steel and cotton industries and those being negotiated in Geneva for wool and man-made textiles. They would probably support adjustment assistance, which is nothing more than "burial" expenses. How will that help the workers in the shoe industry who cannot get jobs elsewhere? The shoe industry needs the same arrangements that the steel and textile industries have. These arrangements were explained so well in the President's message of November 13, 1969, when he said:

"We are trying to persuade other countries to limit their textile shipments to the United States. In doing so, however, we are trying to work out with our trading partners a reasonable solution which will allow both domestic and foreign producers to share equitably in the development of the U.S. market."

This statement by President Nixon expresses exactly what the workers in the shoe industry want. It is only fair that they should have the same consideration.

Sincerely,

GEORGE O. FECTEAU,  
General President.

Mr. FANNIN. Mr. President, before I suggest remedies, let us look at four primary causes.

Inflation, to my mind, is probably the most serious cause of the worsening trade balance. As our prices go up, it makes it easier for foreign producers to sell here and it makes it harder for our exports to sell abroad.

Inflation, too, brings on a new round of labor-management contracts. But when wage gains are higher than productivity increases warrant, imports benefit and exports find it harder to compete.

Second, there is no question that many foreign producers are becoming more advanced in their technology. Their modernization has in many cases followed the American model. They are becoming more competitive through management, marketing, and other skills.

Third, there is a growing trend in many parts of the world to erect, in effect, a host of trade barriers to American goods. Quotas, subsidies to their own exporters, border taxes, restrictions on purchases by government agencies and nationalized industries, and a variety of excessive technical restrictions are among these devices.

Fourth, and the point I wish to emphasize, is the lack of adequate remedy for those injured by unfair competition, such as dumping practices and the granting of subsidies.

My primary thrust today will be to suggest in general terms recommendations to streamline the procedures, both statutory and administrative, designed to see that our domestic producers do not face unfair and indiscriminate exports from abroad.

I wish to focus on three provisions, now on our law books, intended to protect domestic producers from unfair trade practices: The countervailing duty law; the Antidumping Act; and unfair trade practice provisions of section 337 of the Tariff Act. Let us examine each of these.

The countervailing duty dates back to the American Tariff Act of 1890. The duty has been defined as a surtax added to goods benefiting from a bounty or similar assistance from the exporting country.

Thus, the intention is to neutralize the foreign subsidy and thus prevent injury to domestic producers of comparable products who operate without benefit of such bounty.

The Secretary of the Treasury determines whether the goods have been subsidized and, if so, to impose the appropriate balancing duty.

However, there is no time limit set in which he must act, or if he does act and decides against the complainant there is no procedure for appeal provided by Congress.

I am introducing legislation that would amend this act to provide that an administrative decision must be made within a specified time, and to give a complainant the right to appeal an adverse ruling directly to the U.S. Circuit Court of Appeals for the District of Columbia.

The antidumping duty likewise has been defined as a surtax. The additional tax is intended to equalize the price of imported goods when less than a predetermined fair value for such goods.

This law was enacted in 1921 following a Tariff Commission report on dumping practices. Large concerns were selling at lower prices in the United States than in their own home market abroad. The purpose was to dispose of surplus production or to drive a United States competitor out of business.

Therefore, in enacting the antidumping provisions, the Congress provided that where a domestic producer was injured by such dumping, a special duty would be imposed. The Treasury Department determines when imports are sold at less than fair value and the Tariff agency to destroy or substantially injure to a domestic producer or industry.

Again, no time limit, like the countervailing duty act, was set for administrative action. In addition, no appeal procedure was provided in cases where the Treasury Department decided not to act on a complaint. But, on the other hand, if dumping duties are assessed against an importer, provisions were made for him to appeal.

I am introducing legislation that would amend the Anti-dumping Act to provide a set time limit in which the administrative agency is to act upon a complaint, and to allow a procedure for appeal against an adverse ruling or failure to act within the time limit.

The Unfair Trade Practice Act declares that unfair methods of competition or unfair acts in the importation of articles into the United States are unlawful if they have the effect or tendency to destroy or substantially injure an industry in the United States.

If the President determines the act

has been violated, he may direct that the imports involved be excluded from entry. To assist the President, the Tariff Commission receives complaints, investigates them, and reports its findings. Appeal may be taken to the court of customs and patent appeals on questions of law.

After these procedures, the Tariff Commission's report is forwarded to the President for final action. If a violation is found, the President may, but is not required to, order that the customs authorities forbid entry of the involved goods.

The legislation I am introducing would eliminate presidential review and provide that the Tariff Commission's determinations be final, subject to judicial appeal.

Finally, my proposed legislation would provide that the administration of the above acts and their remedies be placed in an independent agency. Sufficient authority should be provided to allow the implementation of policy guidelines specified by Congress.

The Tariff Commission, because of its expertise in dealing with foreign unfair trade practices, logically could administer these acts. Or such provisions could be administered in a newly created agency dealing exclusively with trade problems.

Hopefully, the procedure requiring action within a time limit with right of appeal would tend to develop the technique of self-enforcement in trade matters that we have in our domestic trade laws, and would provide a deterrent to the rise of international unfair trade practice.

In addition, Congress would have a record of agency and judicial opinions from which to review the operations and effectiveness of the acts toward producing a more efficient and consistent and a speedier administration of the regulatory acts.

Mr. President, this legislation is timely, especially in view of the number of quota bills introduced in Congress and the expressed sentiment of the members of the House Ways and Means Committee.

It appears that the Congress is in the mood for legislating quotas for certain imports. This may curtail free world trade efforts in which the United States has been in the forefront and from which we have benefitted. Annual world trade volume is up twentyfold since 1934. It had only doubled in the 70 years prior to 1934.

Mr. President, my legislation would relieve this continuing pressure on Congress for quota restrictions and other trade relief. It would do this by providing a procedure for administrative relief—without right of judicial appeal. If all that failed, then Congress may be called upon for corrective action.

We need only the opportunity to compete fairly both at home and abroad. But we need that opportunity urgently. We must insist in such fairness with our world trading partner.

It is my opinion that protectionism is not the answer to our serious trade imbalance and would only lead to retaliation that would undoubtedly follow such a policy. What I do recommend, however,

is a reevaluation of our current procedures to curb illegal imports—illegal under the General Agreement on Trades and Tariffs—GATT—and a vigorous cooperative effort on the part of government and industry to induce business through the profit motive to divert a larger share of domestic production to export.

It is my opinion that present and future U.S. trade policy must be based on recognition of the fact that, in terms of expanding free world trade, the tariff-cutting phase of international trade relations has run its course, and a new phase has begun—the painstaking work of eliminating or reducing those nontariff trade restrictions and advantages which are rooted in national and regional economic policy. The series of postwar multilateral tariff negotiations confirmed the trading nations' general commitment to expanded trade and rejection of out-and-out protectionism. But, precisely as these obvious evidences of prewar protectionism have been stripped away, so the underlying imbalances and restrictions have emerged. These are the real inhibitors of expanded trade on a fair and competitive basis.

I am particularly concerned with two of these underlying imbalances and restrictions:

First, Nationalistic procurement policies and practices of foreign government owned or controlled companies which exclude U.S. products from competing in their markets; allow and encourage high noncompetitive prices from their domestic suppliers in these insulated markets; and thus permit and encourage those same domestic suppliers to export to the United States and third countries at prices which, in a true commercial sense, are at less than fair value. The competitive disadvantage to the U.S. industry, thus, is twofold: exclusion from potentially profitable world markets; unfair pricing in the U.S. market.

Second, The tax structure of most of the European trading nations, which impose equalization charges on imports—border taxes—and provide for remission of internal taxes on exports, confer a major trade advantage on those nations. Their indirect border tax system is not neutral in its effect on the U.S. competitor who is operating on a direct tax structure.

The proceedings in the general agreements on tariffs and trade whereby tariffs were progressively reduced were not sufficient to maintain an effective and comprehensive U.S. trade policy, and this country has not been able to even schedule discussions leading to the removal of nontariff barriers. What is needed is a resourceful and determined utilization of present statutory and administrative procedures to provide timely remedies which can be invoked to discipline unfair competition on a case-by-case basis. As a practical matter, however, the available procedures have not provided effective relief against the consequences of exclusionary procurement practices of foreign governments and the dual pricing by foreign suppliers when selling to this country.

Mr. President, as I have emphasized



in recent statements, I am concerned about several aspects of our international trade. I do not advocate a return to high tariffs, nor am I advocating a protectionist program.

But I do urge a realistic policy, lest the failure to reach a solution to our problems does result in protection and high tariffs.

In this regard I call attention to a very discerning article concerning preferential agreements and the Common Market. The article, entitled "Difficulties for United States Loom as European Union Grows," was written by Andrew Borowiec and published in the Monday, May 4, 1970, issue of the Washington Evening Star. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

**DIFFICULTIES FOR UNITED STATES LOOM AS EUROPEAN UNION GROWS**

(By Andrew Borowiec)

BRUSSELS.—Earlier this year, a minor storm developed among the officialdom of the European Common Market Commission.

It concerned an unusually blunt statement by America's able and generally respected representative to the European communities, Ambassador J. Robert Schaetzel.

Addressing the German Foreign Policy Association in Bonn last February, Schaetzel charged that some of the preferential trade agreements which the Common Market has with other countries are incompatible with America's struggle for global tariff cuts.

**U.S. FRUSTRATION CITED**

He described America's attitude toward the Common Market as characterized by irritation, frustration and a brooding sense of apprehension as to what the future will hold.

Schaetzel is clearly in a position to know what he is talking about, and there is plenty of evidence to prove that the United States should be concerned.

Although overall American exports to the European Economic Community increased by more than 140 percent between 1958 and 1969, the last two years have witnessed a steady decline averaging 6 percent a year in agricultural exports.

**EUROPE DUMPS PRODUCE**

In addition, the Europeans began dumping their vast agricultural surpluses on certain traditional American markets such as Taiwan, Britain, Japan, Austria and Switzerland, further hurting America's export posture.

Referring to the Common Market's preferential agreements, Schaetzel described them as creating "resentment on the part of those countries outside the boundaries of the new agreements." But the bulk of the concern he expressed in Bonn—and on subsequent occasions—centered on the growing challenge to America's economic might. That challenge is being forged in Western Europe.

Edmund Wollenstein, the Common Market's director general for external trade, subsequently suggested that the United States and the six member nations seek to overcome their difficulties and adopt "a fundamental long-term attitude" toward world trade.

**LITTLE ACCOMPLISHED**

But apparently little of any concrete value has been done since, and American experts continue to eye the Common Market with increasing concern—particularly since the market may become a 10-nation community.

It is clear that unless some joint measures are taken, the preferential agreements of the

European Economic Community are likely to provoke a protectionist reaction in the United States. This, in turn, would start an unhealthy round of competition, with the resulting economic problems and dislocation.

Friction instead of harmony is likely to dominate the relations between the new Europe, so coveted by its founders, and the United States, which helped this Europe get to its feet after World War II.

**HELP FORGOTTEN**

But that help already has been forgotten. The new generation of Europeans does not remember the war and seems hardly aware of the role played by the Marshall plan in European recovery.

Europeans are preoccupied with what French writer-politician Jean-Jacques Servan-Schreiber called the "American challenge"—a smooth and powerful American economic machine taking over more and more European firms by the sheer weight of its money and expertise.

Officially, the American attitude toward the European Economic Community is that of approval. In his foreign policy statement of Feb. 18, President Nixon said:

"Our support for the strengthening and broadening of the European community has not diminished. We recognize that our interests will necessarily be affected by Europe's evolution, and we may have to make sacrifices in the common interest. We consider that the possible economic price of a truly unified Europe is outweighed by the gain in the political vitality of the West as a whole."

**UNITED STATES TO PAY PRICE**

Thus the American attitude is clear: A United Europe is better than a Balkanized Europe. But the price the United States may have to pay is beginning to seem higher and higher.

For the time being, only the agricultural picture seems to cause immediate concern. A look at non-agricultural trade figures and at America's investment in the "six" shows impressive statistics.

In 1958, direct U.S. investment in the EEC area was \$1.9 billion; in 1969 it was \$9 billion. The same year, American companies operating in the Common Market area netted profits of \$540 million, of which \$100 million was reinvested in Europe.

It is difficult to predict at this stage whether the rhythm of American investment and economic expansion in Europe will continue. Chances are that it will drop as European firms start seeking amalgamation, particularly if they are bolstered by the know-how and capabilities of British companies.

**MILESTONE REACHED**

The Common Market summit meeting at The Hague in December was an important milestone in the history of the European community. It gave the green light for negotiations with new membership applicants, thereby clearing the ground for a larger and better Europe. And it asked the "six" to study ways of bringing about political integration.

American specialists fear, however, that the same summit could also mark a turning point in relations between the community and the United States.

According to Schaetzel, "To a very considerable extent, what happens with the relations depends on Europe. American opinion and policy will primarily react to progress in Europe—progress in the internal development of the community and in its enlargement."

The American ambassador feels that it would be "dangerous and certainly shortsighted" to think that European success automatically will be appreciated in America.

**U.S. APPREHENSIVE**

"Today a more uneasy America gives considerable attention to possible economic costs

after Britain and the other applicants are in," he said.

Regardless of the warnings by the American envoy, there is little preoccupation with the American position and attitude in Brussels at the headquarters of the Common Market.

Forging ahead, laying vast and still-undefined foundations for its future, Europe is full of itself these days, perhaps more unable than unwilling to concentrate on the more distant implications of its movement.

Unless the trend is changed, unless somewhere along the line joint plans are made and problems are tackled jointly, it is not unlikely that the birth of the Europe of 10 may dramatically change America's relations with the old continent.

Mr. FANNIN. Mr. President, I would like to point out that European community in its own magazine released in February of this year, has recognized the existence of the nontariff barriers to International trade, and the threat they present in Europe to the true growth of free and fair trade.

In an article entitled "NTB's: 1970 and Beyond," Mr. H. Peter Dreyer, who is the New York Journal of Commerce's European news editor assigned to Brussels, has detailed some of the significant nontariff barriers effective today against American goods.

For instance, France requires insurance premiums 30 percent greater on foreign cars and other administrative fees which are not charged on domestic cars.

Italy requires a 3-percent customs value supplement and a 7.8-percent turnover equalization tax. There are many delays in processing import transactions, delays of several weeks before an imported car can be registered, unfavorable credit rules, restrictions on TV advertising and other restrictive practices.

The United Kingdom has generally higher import insurance requirements, less favorable credit terms, import deposit required and a 5-percent customs value supplement.

Finland imposes import and tax charges that top 100 percent of the c.i.f. value and limits imports by a system of value licenses. They also impose discriminatory regulations which favor cars imported from the east block countries.

A listing of these restrictions made by the German Automobile Industry Association leaves out the difficulties in importing cars into Germany, but mentions additional restrictions in Japan, Portugal, and Spain. The point to be remembered is that since the elimination of tariff duties within the Common Market countries in 1968, the nontariff barriers have continued to be a significant trade obstruction and in some cases have caused trading to grind to a complete halt.

These nontariff barriers are, in many cases, most difficult to contend with and more complex than the simple tariff problems. Research into this area has produced a grand total of more than 800 NTB's which break down into six basic categories:

There is government participation in trade relating primarily to problems with state monopolies and government export subsidies. Incidentally, these are the areas in which I believe our use of

countervailing duties would be most effective.

Customs valuation: These are equalization and antidumping levies, as well as different customs valuation methods.

Safety regulations, quantitative restrictions—quotas—price mechanism, and miscellaneous NTB's such as discriminatory freight regulations.

These, Mr. President, serve as just a small example of the maze of additional restrictive regulations and practices which face Americans trying to fairly and equitably enter markets overseas.

It is entirely possible, and indeed it happens every day, that a country can be on an equal tariff footing while still cutting the ground out from under an American firm trying to do business there with its nontariff barriers.

Mr. President, I ask unanimous consent that the article to which I have made reference be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

#### NTB'S: 1970 AND BEYOND

(By H. Peter Dreyer)

World trade—especially trade between industrial nations—has advanced by leaps and bounds over the past two decades. Many factors have made possible these enormous, continuing gains, but a decisive factor has undoubtedly been the gradual fading out, or curtailment, or national protective measures.

Such dismantling has gone furthest in the field of quantitative restrictions and customs duties, but as these first two lines of protectionism's defense have withered or become less formidable, a third has assumed a correspondingly larger importance—nontariff barriers. Once the tariff cuts agreed on in the Kennedy Round of negotiations of the General Agreement on Tariffs and Trade (GATT) have been fully implemented, the average incidence of industrial countries' customs duties will not exceed 10 per cent. In many instances, therefore, tariffs no longer represent more than nominal barriers to trade. Nevertheless, goods moving across borders run into a multitude of other obstacles.

#### GATT MOVES IN ON NTB'S

Most non-tariff barriers (NTB's) are not new devices. For many years past, most countries, acting for a variety of motives, have displayed enviable imagination in developing ever new means for making the access of foreign merchandise harder. There is nothing very novel in governments and international groups and agencies turning their thoughts to this topic. Some aspects of NTB's were the subject of discussions and negotiations in the Kennedy Round, for instance, though with only modest results to show for these efforts.

At the same time, if the NTB's are now moving into the limelight of debate, it is not merely due to the lessened significance of the more obvious impediments to trade. Anxious as the GATT must be to remain an active and forward looking organization, it was bound to pick NTB's as one of the most challenging outlets for its activities. The tackling of NTB's has gotten under way, but it is clearly something altogether different from the successive tariff-cutting exercises sponsored by the GATT, of which the Kennedy Round was the latest and most impressive. At this point, it is not even certain how specific negotiations can be arranged, much less whether they could succeed.

It is not only the enormous number of NTB's in operation the world over that makes

them such a hard nut to crack but also their extremely diffuse and variegated character. The GATT member countries needed a full year just to list existing NTB's, which still left them far away from assessing their impact.

#### A CASE STUDY

A useful, though patently incomplete, illustration of obstacles that an important industry might run into was offered a short while ago in the annual report (for 1968) of the German Automobile Industry Association. Among the impediments encountered in principal markets, it listed:

United States: a 7 per cent supplementary tax on cars imported by tourists, making it more difficult to sell imported vehicles to government and other public agencies.

France: insurance premiums 30 per cent higher on foreign cars; various administrative fees (not charged on domestic cars).

Austria: customs value supplement, plus a 13 per cent turnover equalization tax; various administrative fees.

Italy: a 3 per cent customs value supplement and a 7.8 per cent turnover equalization tax; delays in processing import transactions; delays of several weeks in registering new foreign cars; less favorable installment credit regulations for imported cars; a recommendation to government and other public agencies not to buy such cars; restrictions on TV advertising for such cars; compulsory registration of imported car dealers' contracts.

United Kingdom: a 5 per cent customs value supplement; generally higher insurance premiums for imported cars; less favorable installment credit terms; the import deposit requirement enacted in 1968 under the program to eliminate the balance-of-payment deficit.

Finland: import and tax charges topping 100 per cent of c.i.f. value; import limitations by a system of value licenses; discriminatory regulations favoring car imports from East Bloc countries.

This listing, which also included obstacles met with in Japan, Portugal, and Spain, naturally makes no reference to whatever difficulties exporters of automobiles to Germany may be faced with. As far as can be established, there are no grave ones, although some problems have arisen in connection with the classification of imported sports cars.

#### NUISANCE OR DEAD-END?

Limited as it is to conditions in a single industry, the German Association's report, nevertheless, lends itself to some general comments. It reveals, for instance, that NTB's operate also within the Common Market. It is indeed arguable that there, since the complete elimination of tariff duties in mid-1968, NTB's have constituted a relatively more significant trade obstruction.

Secondly, while some NTB's are identical or at least similar in appearance, there are also considerable differences in the manner and extent to which national governments use this approach. Of course, NTB's trade effects also vary markedly from one country to another. In some instances, they may be little more than a nuisance; in others, they may cause trading to grind to a virtual halt. Conversely, the German automobile manufacturers, who export well over 50 per cent of their output, are themselves proof that the barriers in their path are hardly insurmountable. They do sell in the countries listed above: the United States actually has become their single most important market.

It goes without saying that, while some obstacles are general in nature, others, and quite often the more painful ones, are peculiar to this or that industry. The producer of electric household appliances will encounter difficulties quite dissimilar to those confronting automobile exports; and if he sells heavy electrical equipment as well,

he most likely will have yet another set of stumbling blocks to contend with. These, in turn, will probably bear scant relation to the ones foreign trade in pharmaceuticals must contend with.

The difficulties connected with trade in agricultural produce are in a class all by themselves. In this area, protection by tariff is not of major significance now, and has not been for quite some time. Instead, nontariff restrictions abound. Trade in virtually all temperate zone foodstuffs and processed foods, for instance, is subject to some kind of NTB. In some cases, NTB's effectively prohibit trade.

#### CUT-AND-DRIED BARGAINING IMPOSSIBLE

These comments so far point unmistakably to the complexities involved in dealing with the NTB's. Not even in the relatively "straightforward" tariff negotiations of the Kennedy Round was it always easy to establish a universally acceptable approach, for example in the issue of the "peaks and valleys" in the United States' tariff structure. It will be infinitely harder to arrive at ground rules for the NTB negotiations. There may be some similarity between different kinds of NTB's, but that, by itself, does not mean that one could be canceled out in exchange for another.

In any event, most NTB's lack similarities, since an assortment of motives inspired this or that barrier. Inevitably, the priorities assigned by different countries for eliminating or attenuating individual NTB's also vary. Customs valuation methods or obstructive sanitary regulations may be one country's favorite *bête noire*, while the elimination of NTB's hampering the sale of agricultural produce may be the chief objective of another.

Naturally, under these circumstances, the GATT had to choose a most cautious and deliberate procedure. It is equally evident that, if this approach is ever to yield anything, several more years of slow and methodical work will be required, without any assurance of eventual success at that.

#### GATT'S YEAR OF FACTFINDING

Thus, more than a year has been spent on the operation's initial phase, now just about completed. It has been strictly a fact-finding venture. The process of individual notifications with subsequent confrontation and explanation has produced a grand total of more than eight hundred NTB's which have now been classified in six categories.

Governmental participation in trade. This type relates not only to the purchasing procedures of states (and other public agencies) but also to problems inherent in the existence of state monopolies and government export subsidies.

Customs valuation and other administrative procedures affecting importers. This type includes the formalities connected with consular and other customs documents, equalization and anti-dumping levies, and different customs valuation methods, of which the famed (or ill-famed) American-selling-price (ASP) system is a prime example. And, last but not least, there are the difficulties arising from differences in customs nomenclatures; as is generally known, neither the United States nor Canada is a party to the Brussels Customs Nomenclature Convention.

Norms and standards. In this group belong regulations applied to imports of medical and pharmaceutical products and other industrial goods, safety rules, and regulations affecting measurements, marking, and packaging.

Quantitative restrictions. This class deals not only with straight or tariff quotas, but also with import and export embargoes, licensing systems, and price and foreign currency controls.

Price and similar mechanisms affecting foreign trade. Import deposit plans, like the requirement introduced by the United King-



dom in late 1968, are one case in point. Others include customs, harbor, consular, and statistical fees; insurance premiums, and various levies. (The United States puts in this category the Common Market's agricultural levies and border adjustments for indirect taxes.)

Miscellaneous. Under this catch-all heading would come, for instance, discriminatory freight rate regulations.

#### THE GATT'S NEXT MOVE

With this inventory drawn up, what will be the GATT's next move? The curtain obviously cannot yet rise on effective negotiations. The next objective, therefore, must be to prepare carefully for that moment, to create the machinery, and tools so that, if ever such unprecedented negotiations get off the ground, they would have a reasonable chance of success.

Work in Geneva is now starting on this stage, and the contracting parties may well devise a formal mandate for it at their annual meeting, in February 1970. It would appear to have several implications. In the first place, of course, it is a sorting out process. Which NTB's match, or are readily comparable? The trade effect, large or small, of the NTB's in force may also be investigated.

In parallel lines, the comparison and coordination of the known NTB's could theoretically lead to the point where some could be grouped in either functional or national packages. This procedure would make it easier, once negotiations were under way, to offer concessions against counter-concessions.

But then, the NTB's will probably not be dealt with in a vacuum. Instead, the whole issue will probably have to be correlated with the tariff study on which the GATT Secretariat is also working, specifying the tariff levels that will exist after the Kennedy Round reductions have been fully implemented. Data have already been assembled for the principal trading units, including the United States, the United Kingdom, and the Common Market.

#### SLOW PACE NOT DISTURBING

Phase two of the GATT exercise, now in progress, will undoubtedly last a long time. If it could be polished off in the course of 1970, it would be quite satisfactory but rather surprising, in the light of the pace managed to date. This all too certain slowness is not in itself disturbing, for the fact remains that one of the major parties involved, the United States, possesses no authority to negotiate. Theoretically, perhaps, the Washington Administration might sit down at the conference table with the expectation that the Congress would subsequently sanction any agreement reached there.

In practice, however, such an approach is open to two objections. In the first place, legislators very likely would consider it an infringement of their constitutional rights and be the more reluctant to approve later any accord attained. Secondly, not only would U.S. delegates negotiate from a position of distinct weakness in such circumstances but other countries might also refuse to have any talks at all on that basis. They would cite as a warning example their experience with ASP. Today, about 30 months after the completion of the Kennedy Round, congressional action to remove this prime instance of an NTB still seems far off.

As a matter of fact, the ASP controversy, together with some other protectionist strains evident on the American scene, has caused Europeans to question, not unreasonably, how serious and sincere the United States is about removing NTB's. It is the more welcome, therefore, that so important an organization as the Committee for Economic Development, in a statement of policy issued jointly with sister outfits like the Political and Economic Planning (PEP) of the United Kingdom and the Comité européen pour le progrès économique et social (CEPES) of the

Common Market, should have unambiguously advocated the elimination through GATT action of what it calls "non-tariff trade distortions."

There will be no quick result, but there is at least one consolation. The current approach to the problem does avoid one of the Kennedy Round's major deficiencies: the Trade Expansion Act, the foundation of the GATT exercise, was strictly speaking a unilateral American move, undertaken without consulting the country's main trade partners. Many Europeans have claimed that, had they been heard while that law was in the making, some of its features would have been different and the subsequent negotiations correspondingly less jarring. It is obviously far too early to say when, or even whether, negotiations proper on NTB's will start. But if and when they do, they will have been amply prepared by all participants.

Mr. FANNIN. Mr. President, I yield the floor.

#### TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. In accordance with the previous order, the Senate will now proceed to the consideration of routine morning business, with statements therein limited to 3 minutes.

#### MESSAGES FROM THE PRESIDENT—APPROVAL OF A BILL

Messages in writing from the President of the United States were communicated to the Senate by Mr. Geisler, one of his secretaries, and he announced that on May 14, 1970, the President had approved and signed the act (S. 3007) to authorize the transfer of the Brown unit of the Fort Belknap Indian irrigation project on the Fort Belknap Indian Reservation, Mont., to the landowners within the unit.

#### EMERGENCY SCHOOL AID ACT OF 1970—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 91-341)

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following message from the President of the United States, which, with the accompanying paper, was referred to the Committee on Labor and Public Welfare:

To the Congress of the United States:

Successfully desegregating the nation's schools requires more than the enforcement of laws. It also requires an investment of money.

In my statement on school desegregation on March 24, I said that I would recommend expenditure of an additional \$1.5 billion—\$500 million in fiscal 1971, and \$1 billion in fiscal 1972—to assist local school authorities in meeting four special categories of need:

"The special needs of desegregating (or recently desegregated) districts for additional facilities, personnel and training required to get the new, unitary system successfully started.

"The special needs of racially impacted schools where *de facto* segregation persists—and where immediate infusions of money can make a real dif-

ference in terms of educational effectiveness.

"The special needs of those districts that have the furthest to go to catch up educationally with the rest of the nation.

"The financing of innovative techniques for providing educationally sound interracial experiences for children in racially isolated schools."

To achieve these purposes, I now propose the Emergency School Aid Act of 1970.

Under the terms of this Act, the four categories of need I outlined would be met through three categories of aid:

(I) Aid to districts now eliminating *de jure* segregation either pursuant to direct Federal court orders or in accordance with plans approved by the Secretary of Health, Education and Welfare, for special needs incident to compliance.

(II) Aid to districts that wish to undertake voluntary efforts to eliminate, reduce or prevent *de facto* racial isolation, with such aid specifically targeted for those purposes.

(III) Aid to districts in which *de facto* racial separation persists, for the purpose of helping establish special inter-racial or inter-cultural educational programs or, where such programs are impracticable, programs designed to overcome the educational disadvantages that stem from racial isolation.

In all three categories, administrative priority will be given to what I described on March 24 as "the special needs of those districts that have the furthest to go to catch up educationally with the rest of the nation." In all three, also, there will be special attention given to the development of innovative techniques that hold promise not only of helping the children immediately involved, but also of increasing our understanding of how these special needs can best be met.

#### THE BACKGROUND

The process of putting an end to what formerly were deliberately segregated schools has been long and difficult. The job is largely done, but it is not yet completed. In many districts, the changes needed to produce desegregation place a heavy strain on the local school systems, and stretch thin the resources of those districts required to desegregate. The Federal Government should assist in meeting the additional costs of transition. This Act would do so, not only for those now desegregating but also for those that have desegregated within the past two years but still face additional needs as a result of the change.

The educational effects of racial isolation, however, are not confined to those districts that previously operated dual systems. In most of our large cities, and in many smaller communities, housing patterns have produced racial separation in the schools which in turn has had an adverse effect on the education of the children. It is in the national interest that where such isolation exists, even though it is not of a kind that violates the law, we should do our best to assist local school districts attempting to overcome its effects.

In some cases this can best be done by reducing or eliminating the isolation

itself. In some cases it can best be done through interracial educational programs involving the children of two or more different schools. In some cases, where these measures are not practicable or feasible, it requires special measures to upgrade education within particular schools or to provide learning experiences of a type that can enlarge the perspective of children whose lives have been racially circumscribed.

This Act deals specifically with problems which arise from racial separation, whether deliberate or not, and whether past or present. It is clear that racial isolation ordinarily has an adverse effect on education. Conversely, we also know that desegregation is vital to quality education—not only from the standpoint of raising the achievement levels of the disadvantaged, but also from the standpoint of helping all children achieve the broad-based human understanding that increasingly is essential in today's world.

This Act is addressed both to helping overcome the adverse effects of racial isolation, and to helping attain the positive benefits of integrated education. It is concerned not with the long range, broad-gauge needs of the educational system as a whole, but rather with these special and immediate needs.

#### HOW IT WORKS

The procedures under this Act are designed to put the money where the needs are greatest and where it can most effectively be used, and to provide both local initiative and Federal review in each case.

Two-thirds of the funds would be allotted among the States on the basis of a special formula. One-third would be reserved for use by the Secretary of Health, Education and Welfare for especially promising projects in any eligible district. In all cases, whether under the State allotment or not, the grants would be made for specific individual projects with each project requiring approval by the Secretary. Application for grants would be made by local education agencies, with the State given an opportunity to review and comment on the grant application.

The State allotment formula begins by providing a basic minimum of \$100,000 in each fiscal year for each State. The remainder of formula funds for each fiscal year would be allotted among the States according to the proportion of the nation's minority students in each State, with those in districts required by law to desegregate and implementing a desegregation plan double-counted. This double counting is designed to put extra money where the most urgent needs are, recognizing that there is a priority need at the present time for the ending of *de jure* segregation swiftly, completely, and in a manner that does not sacrifice the quality of education.

If any given State's allocation of funds is not fully utilized under the terms of this Act, the remainder of those funds would then be reallocated on the same formula basis for use in other States.

Under Category I (*de jure* desegregating), any district would be eligible which is now implementing an approved desegregation plan, or which had completed

implementing one within two years prior to its application. Those not yet doing so would become eligible upon submission of an acceptable plan. Funds would be available to help meet the additional costs of implementing the desegregation plan itself, and also for special programs or projects designed to make desegregation succeed in educational terms.

Under Category II (*de facto* desegregating), any district would be eligible if it has one or more schools in which minority pupils now constitute more than half the enrollment, or appear likely to in the near future. Funds could be provided to help carry out a comprehensive program for the elimination, reduction, or prevention of racial isolation in one or more such schools within the district.

Under Category III (special programs in racially impacted areas), a district would be eligible if it has 10,000 or more minority students, or if minority students constitute 50 percent or more of its public school enrollment. Funds could be provided under this category for special interracial or intercultural educational programs or, where these proved impracticable, for unusually promising pilot or demonstration programs designed to help overcome the adverse educational impact of racial isolation.

In connection with this Category III aid, it is worth noting that such research data as is available suggests strongly that from an educational standpoint what matters most is not the integrated school but the integrated classroom. This might, at first glance, seem a distinction without a difference. But it can make a great deal of difference, especially where full integration of schools is infeasible. It means that, by arranging to have certain activities integrated—for example, by bringing students from a mostly black school and from a mostly white school together for special training in a third location—the educational benefits of integration can be achieved, at least in significant part, even though the schools themselves remain preponderantly white or black.

In a number of communities, experiments are already under way or being planned with a variety of interracial learning experiences. These have included joint field trips, educational exchanges between inner-city and suburban schools, city-wide art and music festivals, and enriched curricula in inner-city schools that serve as a "magnet" for white students in special courses. Other innovative approaches have included attitude training for teachers, guidance and counseling by interracial teams, and after-hour programs in which parents participated. I cite these not as an inclusive catalogue, but merely as a few examples of the kinds of experimental approaches that are being tried, and that give some indication of the range of activities that could and should be further experimented with.

Examples of the kinds of activities which could be funded under all categories are teacher training, special remedial programs, guidance and counseling, development of curriculum materials, renovation of buildings, lease or

purchase of temporary classrooms, and special community activities associated with projects funded under the Act.

#### THE URGENCY OF ACTION NOW

It now is late in the legislative year, and very soon it will be the beginning of the next school year.

In the life of the desegregation process, the fall of 1970 has special significance and presents extraordinary problems, inasmuch as all of the school districts which have not yet desegregated must do so by then. The educational problems they confront are enormous, and the related problems of community social and economic adjustment are equally so.

Some 220 school districts are now under court order calling for complete desegregation by this September; 496 districts have submitted, are negotiating or are likely to be negotiating desegregation plans under HEW auspices for total desegregation by this September; another 278 districts are operating under plans begun in 1968 or 1969; more than 500 Northern districts are now under review or likely soon to be under review for possible violations of Title VI of the Civil Rights Act of 1964. Quite beyond these matters of enforcement, we also must come seriously to grips with the fact that of the Nation's 8.7 million public school students of minority races, almost 50 percent are in schools with student populations made up 95 percent or more of minority pupils.

Desegregating districts face urgent needs for teachers, education specialists, materials, curriculum revision, equipment and renovation.

Teachers and education specialists for the fall of 1970 are being recruited now. Materials and equipment must be purchased this summer to be on hand for the opening of school. Curriculum revision requires months of preparation. Contracts for renovation must be entered into and work commenced soon.

Administration representatives are now discussing with members of Congress possible ways of making the first of the funds for the purposes of this Act available when they are needed, which is now, through the use of existing legislative authorities.

Five hundred million dollars will be spent in Fiscal 1971. I recommend that \$150 million be appropriated under these existing authorities, on an emergency basis, as "start-up" money. I recommend that the remaining \$350 million for Fiscal 1971 and \$1 billion for Fiscal 1972 be appropriated under the Emergency School Aid Act itself. It is this Administration's firm intention to spend these funds—\$500 million in Fiscal 1971 and \$1 billion in Fiscal 1972—in the years for which they are appropriated.

#### QUALITY AND EQUALITY

If money provided under this Act were spread too thinly, it would have very little impact at all on the specific problems toward which it is addressed. Therefore, the criteria laid down in the Act are designed to insure its use in a manner sufficiently concentrated to produce a significant and measurable effect in those places where it is used.

This is not, and should not be, simply



another device for pumping additional money into the public school system. We face educational needs that go far beyond the range or the reach of this Act. But the specific needs the Act addresses are immediate and acute. It represents a shift of priorities. It places a greater share of our resources behind the goal of making the desegregation process work, and making it work now. It also represents a measured step toward the larger goal of extending the proven educational benefits of integrated education to all children, wherever they live.

Properly used, this \$1.5 billion can represent an enormous contribution to both quality and equality of education in the United States.

With this help, the process of ending *de jure* segregation can be brought to a swift completion with minimum disruption to the process of education. It is in the interest of all of us—North and South alike—to insure that the desegregation process is carried out in a manner that raises the educational standards of the affected schools.

Beyond this, our goal is a system in which education throughout the nation is both equal and excellent, and in which racial barriers cease to exist. This does not mean imposing an arbitrary "racial balance" throughout the nation's school systems. But it should mean aiding and encouraging voluntary efforts by communities which seek to promote a greater degree of racial integration, and to undo the educational effects of racial isolation.

Nothing in this Act is intended either to punish or to reward. Rather, it recognizes that a time of transition, during which local districts bring their practices into accord with national policy, is a time when a special partnership is needed between the Federal Government and the districts most directly affected. It also recognizes that doing a better job of overcoming the adverse educational effects of racial isolation, wherever it exists, benefits not only the community but the nation.

This legislative recommendation should be read in the context of my comprehensive public statement of March 24 on school desegregation. In that, I dealt with questions of philosophy and of policy. Here, I am dealing with two aspects of the process of implementation: aiding the desegregation process required by law, and supporting voluntary community efforts to extend the social and educational benefits of interracial education.

The issues involved in desegregating schools, reducing racial isolation and providing equal educational opportunity are not simple. Many of the questions are profound, the factors complex, the legitimate considerations in conflict, and the answers elusive. Our continuing search, therefore, must be not for the perfect set of answers, but for the most nearly perfect and the most constructive.

Few issues facing us as a nation are of such transcendent importance; important because of the vital role that our public schools play in the nation's life and in its future; because the welfare of our children is at stake; because our national conscience is at stake; and because it presents us a test of our capacity to

live together in one nation, in brotherhood and understanding.

The tensions and difficulties of a time of great social change require us to take actions that move beyond the daily debate. This legislation is a first major step in that essential direction.

The education of each of our children affects us all. Time lost in the educational process may never be recovered. I urge that this measure be acted on speedily, because the needs to which it is addressed are uniquely and compellingly needs of the present moment.

RICHARD NIXON.

THE WHITE HOUSE, May 21, 1970.

#### EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. METCALF) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 17604. An act to authorize certain construction at military installations, and for other purposes; and

H.R. 17619. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

#### ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore (Mr. METCALF):

S. 2624. An act to improve the judicial machinery in customs courts by amending the statutory provisions relating to judicial actions and administrative proceedings in customs matters, and for other purposes;

S. 3818. An act to authorize appropriations to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes;

H.R. 11372. An act to amend the Act entitled "An Act to authorize the partition or sale of inherited interests in allotted lands in the Tulalip Reservation, Washington, and for other purposes", approved June 18, 1956 (70 Stat. 290); and

H.R. 12878. An act to amend the Act of August 9, 1955, to authorize longer term leases of Indian lands at the Yavapai-Prescott Community Reservation in Arizona.

#### HOUSE BILLS REFERRED

The following bills were read twice by their titles and referred, as indicated:

H.R. 17604. An act to authorize certain construction at military installations, and for other purposes; to the Committee on Armed Services.

H.R. 17619. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending June

30, 1971, and for other purposes; to the Committee on Appropriations.

#### COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following letters, which were referred as indicated:

#### REPORT ON CONTRACTS NEGOTIATED BY THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

A letter from the Administrator, National Aeronautics and Space Administration, Washington, D.C., transmitting, pursuant to law, a report on contracts negotiated by that Administration, for the 6-month period ended December 31, 1969 (with an accompanying report); to the Committee on Aeronautical and Space Sciences.

#### PROPOSED REPORTING OF WEATHER MODIFICATION ACTIVITIES TO THE FEDERAL GOVERNMENT

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to provide for the reporting of weather modification activities to the Federal Government (with accompanying papers); to the Committee on Commerce.

#### REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the feasibility of using "Should Cost" concepts in government procurement and auditing, dated May 20, 1970 (with an accompanying report); to the Committee on Government Operations.

#### PETITIONS AND MEMORIALS

Petitions and memorials were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. METCALF):

A resolution of the House of Representatives of the State of Missouri; to the Committee on Armed Services:

#### "RESOLUTION OF MISSOURI HOUSE OF REPRESENTATIVES, 75TH GENERAL ASSEMBLY

"Memorializing Congress and the United States Department of Defense to conduct a feasibility study relative to relocating the battleship U.S.S. Missouri in the State of Missouri:

"Whereas, the United States Navy battleship, known as the U.S.S. Missouri, was flagship of the Pacific Fleet before being retired in 1955, and since being removed from active naval service by the Department of Defense has been placed in the 'mothball fleet'; and

"Whereas, the battleship Missouri has unusual historical significance, particularly for Missourians, because it was the site of the Japanese surrender at the conclusion of World War II, during the administration of President Harry S. Truman, the only Missourian to hold that high office; and

"Whereas, the location of the battleship Missouri in the State of Missouri is requested by the Missouri House of Representatives through adoption of House Resolution No. 42 on January 21, 1963; and

"Whereas, location of the battleship Missouri in the State of Missouri would make it easily accessible to millions of people from many states as they pass through the center of the nation on vacations or other trips; and

"Whereas, it is the feeling of this body that the State of Missouri should be given first priority as a permanent home for the U.S.S. Missouri when and if the Department of Defense feels that this great battleship may permanently be released from naval service;

"Now, therefore, be it resolved by the House of Representatives, that the Congress of the United States and the United States

Department of Defense be respectfully memorialized and requested to cause a feasibility study to be conducted relative to relocating the battleship U.S.S. Missouri in the State of Missouri; and

"Be it further resolved that copies of this resolution be forwarded to the leaders of each House of the Congress of the United States, to each Representative and Senator in the Congress of the United States from the State of Missouri, to the Secretary of Defense and to former President Harry S. Truman.

"I, Agnes Moore, Chief Clerk of the House of Representatives of the Missouri General Assembly certify that the above is a true and correct copy of House Resolution No. 60 adopted on May 14, 1970.

"AGNES MOORE,  
"Chief Clerk."

A concurrent resolution of the Legislature of the State of New York; to the Committee on Labor and Public Welfare:

"RESOLUTION NO. 128, STATE OF NEW YORK

"Concurrent resolution of the Legislature of the State of New York memorializing the President of the United States and the Congress to enact appropriate laws relating to the establishment of a labor-management program covering agricultural employment

"Whereas, Agriculture is the number one industry in New York, and generates, directly, or indirectly, jobs, products and services having a total value of three billion, five hundred million dollars per year; and

"Whereas, New York agriculture directly employs more than three hundred fifty thousand workers, most of whom depend primarily upon agricultural wages for income; and

"Whereas, The products of New York agriculture move widely in both national and international commerce, and must compete with agricultural products originating in other states and countries where labor standards and labor costs are lower than those in New York; and

"Whereas, A percentage of the New York farm labor force also seek farm employment or maintain residence outside of the state during a portion of the year; and

"Whereas, The problems of labor-management relations law in agriculture are truly national in character and can be appropriately dealt with only through federal legislation; now, therefore, be it

"Resolved (if the Senate concur), That the Legislature of the State of New York, respectfully memorializes the President and the Congress of the United States to promptly enact legislation establishing labor-management relation laws, separate from the national labor relations act, covering agricultural employment; and be it further

"Resolved (if the Senate concur), That the Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from New York in the Congress of the United States.

"By order of the Assembly,

"DONALD A. CAMPBELL, Clerk."

Four memorials remonstrating against the war in Southeast Asia, signed by sundry citizens of the United States; to the Committee on Foreign Relations.

The petition of Joy Suchomel, of New Brunswick, N.J., praying for the enactment of Senate Joint Resolution 61, proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPARKMAN, from the Committee on Banking and Currency, with an amendment:

S. 3302. A bill to amend the Defense Production Act of 1950, and for other purposes (Rept. No. 91-890).

(The remarks of Mr. SPARKMAN when he reported the bill appear later in the RECORD under the appropriate heading.)

By Mr. YOUNG of Ohio, from the Committee on Public Works, without amendment:

S. 1100. A bill to designate the comprehensive Missouri River Basin development program as the Pick-Sloan Missouri Basin program (Rept. No. 91-891); and

S. 1500. A bill to name the authorized lock and dam numbered 18 on the Verdigris River in Oklahoma and the lake created thereby for Newt Graham (Rept. No. 91-892).

## BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. GRIFFIN:

S. 3868. A bill for the relief of Toshiko Saito; to the Committee on the Judiciary.

By Mr. CRANSTON:

S. 3869. A bill for the relief of Albina Lucio Z. Manluuc; to the Committee on the Judiciary.

By Mr. YOUNG of North Dakota:

S. 3870. A bill for the relief of Dr. Dionisio Teng Libi and Dr. Bernadette Libi; to the Committee on the Judiciary.

By Mr. DOMINICK:

S. 3871. A bill to amend section 601 of the Federal Aviation Act of 1958; to the Committee on Commerce.

(The remarks of Mr. DOMINICK when he introduced the bill appear later in the RECORD under the appropriate heading.)

## S. 3871—INTRODUCTION OF A BILL TO AMEND THE FEDERAL AVIATION ACT OF 1958

Mr. DOMINICK. Mr. President, I introduce, for proper referral, a bill to amend section 601 of the Federal Aviation Act of 1958. The purpose of this bill is to require the installation of emergency locator beacons on certain classes of aircraft used in air commerce in the United States.

I ask unanimous consent that the text of the bill be printed at the conclusion of my remarks.

Senators will recall that this requirement was passed by the Senate as an amendment to the Airport and Airways Development Act; however the amendment was deleted in the conference with the other body.

I hope the committee will promptly hold hearings on this measure, and that we can again bring the matter before the Senate at an early date.

The PRESIDING OFFICER (Mr. SAXBE). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3871) to amend section 601 of the Federal Aviation Act of 1958, introduced by Mr. DOMINICK, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3871

Be it enacted by the Senate and House of Representatives of the United States of

America in Congress assembled, That section 601 of the Federal Aviation Act of 1958 is amended by inserted at the end thereof a new subsection, as follows:

### "EMERGENCY LOCATOR BEACONS

"(d) (1) Except with respect to aircraft described in paragraph (2) of this subsection, minimum standards pursuant to this section shall include a requirement that emergency locator beacons shall be installed—

"(A) on any fixed-wing, powered aircraft for use in air commerce the manufacture of which is completed, or which is imported into the United States, after one year following the date of enactment of this subsection; and

"(B) on any fixed-wing, powered aircraft used in air commerce after three years following such date.

"(2) The provisions of this subsection shall not apply to jet-powered aircraft; aircraft used in air transportation (other than air taxis and charter aircraft); military aircraft; aircraft used solely for training purposes not involving flights more than twenty (20) miles from its base; and aircraft used for the aerial application of chemicals."

## ADDITIONAL COSPONSORS OF BILLS

S. 2545

Mr. JAVITS. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. YARBOROUGH) be added as a cosponsor of S. 2545, to amend title I of the Higher Education Act of 1965 in order to authorize the Commissioner of Education to arrange for community service programs seeking solution to national and regional problems.

The PRESIDING OFFICER (Mr. HART). Without objection, it is so ordered.

S. 3707

Mr. JAVITS. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. YARBOROUGH) be added as a cosponsor of S. 3707 to amend title V of the Higher Education Act of 1965—relating to education professions development—to authorize training programs for teachers in order that they may teach other grades or subjects in which there is a teacher shortage.

The PRESIDING OFFICER (Mr. HART). Without objection, it is so ordered.

S. 3723

Mr. CHURCH. Mr. President, on behalf of the distinguished Senator from New Hampshire (Mr. MCINTYRE), I ask unanimous consent that, at the next printing, the names of the Senator from Wisconsin (Mr. NELSON), the Senator from South Carolina (Mr. THURMOND), the Senator from Maine (Mrs. SMITH), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Nebraska (Mr. HRUSKA) be added as cosponsors of S. 3723, to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes.

The PRESIDING OFFICER (Mr. EAGLETON). Without objection, it is so ordered.

S. 3803

Mr. COTTON. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Utah (Mr. MOSS) be added as a cosponsor of S. 3803, to amend part I of the Interstate Commerce Commission Act, as



amended, to authorize railroads to publish rates for use by common carriers.

The PRESIDING OFFICER (Mr. EAGLETON). Without objection, it is so ordered.

S. 3835

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Iowa (Mr. HUGHES), I ask unanimous consent that, at the next printing, the names of the Senator from Idaho (Mr. CHURCH), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Maine (Mr. MUSKIE), the Senator from Rhode Island (Mr. PELL), and the Senator from Ohio (Mr. YOUNG), be added as cosponsors of S. 3835, to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism.

The PRESIDING OFFICER (Mr. HART). Without objection, it is so ordered.

**SENATE CONCURRENT RESOLUTION 69—SUBMISSION OF A CONCURRENT RESOLUTION EXPRESSING THE SENSE OF THE CONGRESS RELATING TO AN APPROPRIATE FINAL TRIBUTE TO AMERICAN SERVICEMEN WHO HAVE DIED IN COMBAT OR OTHERWISE IN THE SERVICE OF THEIR COUNTRY**

**THE "VENICE TRIBUTE" TO AMERICA'S HEROES**

Mr. SMITH of Illinois. Mr. President, I am submitting, for appropriate reference, a concurrent resolution I believe very timely in these days of debate, demonstration, and dissent about America's Southeast Asian policies.

For, although these policies have in fact generated disagreement across a broad spectrum of American society, they have never generated anything but empathy, respect, and deepest gratitude for the sacrifice and virtue of the brave American fighting men who daily risk—and daily give—their lives in the service of their country. Their devotion to duty, their honor, courage, and patriotism, are an example to all of us; and there dare not be a single one of us—whether Republican or Democrat, "dove" or "hawk," young or old—who fails to revere their sacrifice.

The resolution I offer today is based on the "Venice tribute" to our fallen American heroes. The good people of Venice, Ill., who know, firsthand and all too well, the sacrifices of our fighting men, their families, and their communities, have adopted a moving ordinance. It provides that the American flag be flown at half-mast on all public buildings to honor any serviceman who has lost his life in combat or military service, from the time his body arrives at home until after his burial or funeral service.

It is not surprising that this humble tribute to America's real heroes is spreading throughout a grateful nation, that it is being hailed by veterans' organizations, private citizens, and public officials alike. It is a simple tribute, but a touching one. In a small town or a large one, the half-masted flag stands a silent vigil, reminding passersby of the ultimate sacrifice of a young man from

next door, or down the block, or across town evoking their sorrow, their respect, their feelings of loss and compassion—their personal rededication to those American principles for which that man and his family have given all.

It is not surprising, either, that private citizens join in the "Venice tribute" wherever it is adopted, by flying their own flags at half-mast, by joining in simple but heartfelt memorial services to their towns' fallen sons. The chill of pain and pride that a half-masted flag at a town hall or local school evokes does not disappear without leaving a mark—a mark of dignified sorrow for the lost serviceman and his family, of new solidarity with his still-serving buddies.

Mr. President, the "Venice tribute" is an honor we owe all our veterans, living and dead, of this conflict and all others, but extending this tribute to each of them might prove impractical, and I know that all living veterans understand the reasonableness of limiting this tribute to those who die in the service of freedom. The homage we pay our fallen sons in no way detracts from the respect and gratitude we owe those whom God has mercifully chosen to return to us after their time of testing, wounded or well.

Mr. President, I urge my colleagues to join me in sponsoring this resolution, and I commend the "Venice tribute" to communities across the Nation who seek an appropriate memorial to their fallen sons and a timely symbol of unity and support for all our gallant servicemen.

Mr. President, I ask unanimous consent that the text of my resolution, together with various related materials, be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. CRANSTON). The concurrent resolution will be received and appropriately referred; and, without objection, the concurrent resolution and related materials will be printed in the RECORD.

The concurrent resolution (S. Con. Res. 69), which reads as follows, was referred to the Committee on the Judiciary:

**S. CON. RES. 69**

Whereas, the United States is presently engaged in military operations beyond its borders, and

Whereas, in the course of these operations American servicemen are displaying great courage, honor, patriotism, and devotion to duty, and many are selflessly giving their lives in the service of their Country, and

Whereas, the flying of the flag of the United States at half-mast has traditionally denoted final tribute to one who has dedicated his life to the unselfish service of his Country: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that in each community, town, or city of the United States to which the body of an American serviceman is or would be returned for burial or memorial service after his death in combat or in the service of his Country, it shall be appropriate to fly the flag of the United States at half-mast as a final tribute of sorrow, gratitude, and unity, from the time his body shall arrive until his burial or memorial service, or for such other reasonable time as may be prescribed by local authorities.

SEC. 2. The Congress urges local author-

ities, veterans and civic groups, and all citizens, to adopt and participate in a simple and dignified final tribute to each local American serviceman who has died in combat or in the service of his Country.

The material, presented by Mr. SMITH of Illinois, is as follows:

AMVETS, QUAD-CITY POST 51,  
Granite City, Ill., March 20, 1970.

HON. RALPH T. SMITH,  
U.S. Senate,  
Washington, D.C.

DEAR SIR: Enclosed copies of letters relative to the "Quad Cities Amvets Venice Tribute," held recently in Venice, Illinois, on February 28.

We have a tremendous and great program going "nationwide" that originated here in Venice, and was promoted by AMVETS, locally, and now on a national scale.

Reports are coming in from Amvets National Headquarters, that communities throughout the land are adopting the "Venice Tribute" to its war dead, in lowering the American Flag, at half-staff, while he lies in state, till final services.

Granite City, your hometown, last week passed a ordinance to follow the City of Venice. We lost 30 servicemen here in Granite City, and the American Flag wasn't lowered one time, that anyone can recall. We also received word that Madison, also is following with an ordinance.

It's a shame that the "final salute" to our fallen heroes, had to go the route of passing an ordinance, for something that should have been done without it. I'm sure if you would check throughout the country, very few communities give a local boy his due rights, who died for that flag.

You can help us at AMVETS, by mentioning what happened in Venice, Illinois, and urging other veteran groups, and the State of Illinois to follow their patriotic policy, for our men in Vietnam. I'm sure all veterans, as well as the country would appreciate it, if brought to their attention, whenever you speak in the United States Senate, and other functions, to lower the American Flag for that boy that fought for you, and now is no longer here.

Amvets is 100% behind the Americanism of the "Venice Tribute" and it is being presented to all our posts, but we cannot cover every veterans group or community where we do not have a Amvet Post.

As our Senator from Illinois, we most assuredly would appreciate any effort given to this program. As you are a veteran yourself, you can see the impact of this program. And in these troubled times, we need it. Our flag is not given it's just honor and respect as it use to be in days gone by.

Best wishes from Amvets.

Yours for Amvets,

STEVE KONKOVICH,  
Public Relations Officer.

UNITED STATES SENATE,  
April 1, 1970.

Mr. STEVEN KONKOVICH,  
Public Relations Officer,  
AMVETS Quad-City Post 51,  
Granite City, Ill.

DEAR MR. KONKOVICH: Thank you so much for your letter advising me of the program which has been put into effect in Venice relative to our war dead. I think it is a wonderful program, and I shall do anything I can to help.

I shall try to introduce a resolution in the United States Senate not only commending your efforts but suggesting that it be done on a nation-wide basis. Thank you for letting me know about this worthy tribute.

Sincerely yours,

RALPH TYLER SMITH,  
U.S. Senate.

AMVETS,  
May 14, 1970.

HON. RALPH TYLER SMITH,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR SMITH: On behalf of the membership of my organization, I wish to commend you for your support of the proposal made by AMVETS in the City of Venice, Illinois, that resulted in the adoption of an ordinance which prescribes that the American Flag will be flown at half-mast whenever a local serviceman is brought home for burial.

We were pleased to learn that you plan to introduce a resolution in the United States Senate suggesting that this be done Nation-wide.

We hope that this very worthy tribute to men of the armed forces who have made the supreme sacrifice will receive favorable consideration in the Senate.

I offer the support of my organization in any way we may be of assistance.

Very truly yours,

ROBERT B. GOMULINSKI,  
National Commander.

#### AMVETS ANNOUNCE PLANS FOR TRIBUTE TO VENICE

A special program to pay tribute to the city of Venice, believed to be the first community to authorize by city ordinance lowering of all city flags to half staff upon the death of a serviceman in action, will take place at 2 p.m. Saturday, Feb. 28, Amvets Post 51 members were informed last night.

The program, sponsored by Post 51, will include formal presentation of a plaque and staff by National Amvets Commander Robert Gomulinski of Washington, D.C.

Amvets throughout the country are being urged to seek passage of similar ordinances. At the Illinois Amvets state executive board meeting this weekend in Peoria, National Amvets Vice-Commander John Cain of Manchester, Mo., will review preliminary plans for the Feb. 28 ceremony with state officials.

Arrangements for the special awards program were discussed last week at a meeting in the Venice city hall between Mayor John E. Lee, City Clerk William M. Ebersold, Leo Clements, Post 51 commander and Steve Konkovich, public relations director. A second planning session with Venice officials and the National Amvets vice-commander is arranged for Wednesday, Clements said.

Invitations to participate in the Feb. 28 program with National Commander Gomulinski are being issued to U.S. Senators Charles Percy and Ralph T. Smith; U.S. Senator Edward Muskie, a former Amvets National Executive Director; Congressman Melvin Price; Gov. Richard Ogilvie; Lt. Gov. Paul Simon; Illinois Secretary of State Paul Powell; State Representatives Horace Calvo, a member of Amvets Post 51, and Leland Kennedy; and Amvets officials from Illinois and Missouri.

Conkovich reported last night, a letter received from L. Niederlehner, acting general counsel of the Department of Defense, written on behalf of President Nixon, which read in part . . .

"I would like to take this opportunity to commend you and your post for your part in publicizing this practice (lowering the flag) . . . The President is acutely aware of the distress occasioned by the death of our service members in Vietnam and he desires that appropriate honors be rendered to all those who make the supreme sacrifice for our country."

In addition to the Feb. 28 public ceremonies in Venice, Amvets Post 51 is planning a buffet dinner immediately following the presentations at the post home on Lakeview drive, Clements said.

#### NATIONAL HONOR CEREMONY SET FEBRUARY 28 IN VENICE

The city of Venice will be honored by National Amvets Commander Robert Gomulinski and other national and state dignitaries in a ceremony arranged for 2 p.m. Feb. 28 in Venice.

The honor is in recognition of the city's ordinance adopted last year to place the American Flag at half-staff in mourning and respect for local servicemen who give their lives for their country.

Quad-City Amvets Post 51 took up the program and promoted it on a national Amvets level for nation-wide adoption of the "Venice Tribute" in all cities and villages.

Announcement of the Feb. 28 ceremony was made Monday night in a letter to Granite City Mayor Partney from Leo Clements, Post 51 commander, who said the city of Granite City also is to be congratulated for adopting the "Venice Tribute."

"Your action," Commander Clements wrote to Mayor Partney, "is being forwarded to Amvets National Headquarters, Washington, D.C., as officials there have requested to be informed on all cities, villages that adopt the 'Venice Tribute' to their fallen heroes."

At the Feb. 28 ceremony, National Commander Gomulinski is to present the Amvets Presidential Citation to Mayor Lee and the city of Venice "for its patriotism and Americanism."

Local mayors and dignitaries are invited to be present.

#### AMVETS TO HONOR CITY OF VENICE SATURDAY

Amvets officials and representatives of Quad-City fraternal, civic and service organizations will be joined by national, state and area dignitaries at a special program Saturday to pay tribute to the city of Venice, believed to be the first community to authorize by ordinance lowering of all city flags to half staff upon the death of a serviceman in action.

Ceremonies will take place outside the Venice city hall starting at 2 p.m. Saturday under the auspices of Amvets Post 51 of Granite City. The public is invited to attend.

Amvets throughout the country are being urged to seek passage of ordinances patterned on similar lines to the Venice statute, which has received the commendation of President Richard Nixon and other officials.

Interest generated about the project has spread to Amvets posts in many states, with the program already adopted by individual posts in the Chicago area and elsewhere.

#### PLAQUE PRESENTATION

Highlighting Saturday's event will be formal presentation of a plaque and staff by National Amvets Commander Robert B. Gomulinski of Washington, D.C., and a fly-over by jet fighter aircraft from the 131st Tactical Air Group, Air National Guard, based at Lambert Field, St. Louis.

A program of patriotic music performed by the Venice school band, placing a wreath at the Venice flagpole in commemoration of all Venice war dead; and a salute played by National Amvets Bugler Andy Sgori of University City, Mo., also are scheduled.

Remarks to be made by Commander Gomulinski at the Venice ceremony are expected to touch on his experiences during a trip last month to South Vietnam and Korea.

The 18-day Southeast Asia fact-finding tour was arranged by the Department of Defense for the purpose of familiarizing the Amvets top officer with matters of national security and foreign affairs in the Far East.

#### KOREAN WAR VET

Gomulinski, 37, an accountant in the U.S. Automotive Manufacturing Group of Chrysler Corp., is the first Korean veteran to lead any of the major veteran organizations. He

resides in Frazier, Mich., but is headquartered for one year in Washington while serving as Amvets national commander.

A U.S. Air Force veteran, Gomulinski is a Life Member of Amvets and has long been involved in veteran and community affairs in his home state. He was educated in the Detroit school system and at Lawrence Institute of Technology and the Walsh College of Accountancy.

Beside serving as president of the Dads Club at his church, he is president and chairman of the Board of the Chrysler Corporation Power Train Group Management Club, an affiliate of the National Management Association.

A buffet dinner will be served at Amvets Post 51 post home, 5100 Lakeview drive, immediately following Saturday's public ceremony, with many of those taking part in the program invited to a reception honoring the national commander.

VETERANS' ADMINISTRATION,  
Washington, D.C., February 19, 1970.  
Mr. STEVE KONKOVICH,  
Public Relations Officer, Quad-City Post 51,  
American Veterans of World War II,  
Granite City, Ill.

DEAR MR. KONKOVICH: The President has requested me to extend his heartfelt appreciation and commendation to the Quad-City AMVETS, Mayor John Lee and the City of Venice, Illinois, for the unique and touching patriotic ceremony they are inaugurating to honor former members of the community who gave their lives for their country.

The lowering of the American Flag to half-staff in memory and mourning for those brought back to Venice for their final resting place is an act of love and honor to those gallant heroes and to the Flag they died for.

May I add my own sincere thanks to you on behalf of all America's veterans as you inaugurate this program.

Sincerely,

DONALD E. JOHNSON,  
Administrator.

#### SENATE RESOLUTION 413—SUBMISSION OF A RESOLUTION RELATING TO A PROPOSED ADDITION TO RULE XVI OF THE STANDING RULES OF THE SENATE

Mr. MANSFIELD submitted the following resolution (S. Res. 413); which was referred to the Committee on Rules and Administration:

S. RES. 413

Resolved, That Rule XVI of the Standing Rules of the Senate is amended by adding at the end thereof the following new paragraph:

"8. Every general appropriation bill reported by the Committee on Appropriations during any session of the Congress shall be accompanied by a report which shall identify with particularity each item of appropriation contained therein which is not made to carry out the provisions of an existing law, a treaty stipulation, or an act or resolution previously passed by the Senate during that session."

#### ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, May 21, 1970, he presented to the President of the United States the following enrolled bills:

S. 2624. An act to improve the judicial machinery in customs courts by amending the statutory provisions relating to judicial actions and administrative proceedings in customs matters, and for other purposes; and S. 3818. An act to authorize appropri-



tions to the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

#### AMENDMENT OF THE FOREIGN MILITARY SALES ACT—AMENDMENTS

AMENDMENT NO. 648

Mr. HARTKE submitted an amendment, intended to be proposed by him, to the bill (H.R. 15628) to amend the Foreign Military Sales Act, which was ordered to lie on the table and to be printed.

(The remarks of Mr. HARTKE when he submitted the amendment appear earlier in the RECORD under the appropriate heading.)

AMENDMENT NO. 649

Mr. MAGNUSON (for himself, Mr. JACKSON, Mr. GRAVEL, Mr. HATFIELD, and Mr. PACKWOOD) submitted an amendment, intended to be proposed by him, to House bill 15628, supra, which was ordered to lie on the table and to be printed.

(The remarks of Mr. MAGNUSON when he submitted the amendment appear later in the RECORD under the appropriate heading.)

AMENDMENT NO. 650

Mr. GOLDWATER submitted an amendment, intended to be proposed by him, to House bill 15628, supra, which was ordered to lie on the table and to be printed.

(The remarks of Mr. GOLDWATER when he submitted the amendment appear later in the RECORD under the appropriate heading.)

AMENDMENT NO. 653

Mr. COOPER (for himself, Mr. CHURCH, Mr. MANSFIELD, and Mr. AIKEN) proposed an amendment to House bill 15628, supra, which was ordered to be printed.

#### AUTHORIZATION OF APPROPRIATIONS DURING FISCAL YEAR 1971 FOR PROCUREMENT OF AIRCRAFT, MISSILES, NAVAL VESSELS, AND TRACKED COMBAT VEHICLES—AMENDMENT

AMENDMENT NO. 651

Mr. HUGHES (for himself, Mr. CRANSTON, Mr. GOODELL, and Mr. MCGOVERN) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, which was ordered to lie on the table and to be printed.

#### AMENDMENT OF SOLID WASTE DISPOSAL ACT—AMENDMENTS

AMENDMENT NO. 652

Mr. JAVITS (for himself, Mr. BOGGS, Mr. MUSKIE, Mr. RANDOLPH, and Mr.

SCOTT) submitted amendments, intended to be proposed by them, jointly, to the bill (S. 2005) to amend the Solid Waste Disposal Act in order to provide financial assistance for the construction of solid waste disposal facilities, to improve research programs pursuant to such act, and for other purposes, which were referred to the Committee on Public Works and ordered to be printed.

(The remarks of Mr. JAVITS when he submitted the amendment appear later in the RECORD under the appropriate heading.)

#### NOTICE OF HEARING ON S. 3389, THE PUBLIC LAND RECREATION ACT OF 1970

Mr. CHURCH. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from Washington (Mr. JACKSON) announcing a public hearing on S. 3389, the Public Land Recreation Act of 1970.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

##### STATEMENT BY SENATOR JACKSON

Mr. President, I wish to announce that the Public Lands Subcommittee of the Committee on Interior and Insular Affairs will hold a public hearing on S. 3389, the Public Land Recreation Act of 1970, on May 26, 1970 at 10 a.m. in Room 3110, New Senate Office Building.

This measure, which I introduced on February 4, 1970, is designed to increase the recreational potential of the 450 million acres of public land under the administration of the Bureau of Land Management. These lands, which constitute 20% of the nation's total land mass, have a tremendous potential for meeting the outdoor recreation demands of our citizens.

Yet, we have neglected the responsibility to meet the growing use of these lands. Today's appropriations for the construction and operation of recreational facilities is about one-twentieth the amount provided for our national parks two decades ago when their annual visits were equal to what the public domain lands receive today. Recent figures reveal that over 30 million recreation visits a year are made to these public lands, with a projected increase of 50 million by 1975.

Anyone interested in testifying on S. 3389 is requested to notify the Senate Committee on Interior Affairs.

#### WAIVER OF RULE OF GERMANENESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Pastore rule on germaneness not begin to operate until the unfinished business is laid before the Senate at the conclusion of the transaction of routine morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may be allowed to proceed for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, first, I ask unanimous consent that the distinguished Senator from Colorado (Mr. ALLOTT) be recognized as the first speaker at the conclusion of the morning business period, when the unfinished business is laid before the Senate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, I yield to the distinguished Senator from South Carolina, and then I will make my remarks.

Mr. THURMOND. I thank the majority leader.

#### U.S. MILITARY ASSISTANCE TO GREECE

Mr. THURMOND. Mr. President, in my judgment, it would be a fatal blow to our national security for the Senate to adopt an amendment to eliminate military assistance to Greece. The distinguished Senator from Indiana (Mr. HARTKE) is overly concerned about U.S. support to the junta government in Greece, in view of the greater issues at stake.

The United States took measures in 1967 to suspend major items to Greece because of the military coup. Consequently, the junta government is fully aware of the U.S. disapproval of oppressive actions. As a result, there are trends toward democratic policies. In my view, the President must continue to have this flexibility. President Nixon must have some options in considering greater issues involved.

Mr. President, Greece is one of our strongest NATO allies in opposing Soviet aggression. The United States has a vital interest in the security of Greece because their security is directly related to our security. The effectiveness of their armed forces must be maintained by the MAP program in order for their joint participation in the North Atlantic Alliance. NATO must remain a viable force.

U.S. installations in Greece are essential to our security. The elimination of the MAP program could well result in the loss of these vital facilities. We have extensive communications and air and naval bases in Greece which must be maintained for our own security. Our over-fly authority must remain secure.

Mr. President, this amendment to weaken one of our allies comes at a time when the Soviet threat is greater than it ever has been in the past.

Soviet activities in the Mediterranean are well known. Their assistance to the Arabs in the war against Israel is well known. It is beyond my comprehension why anyone would want to reduce the capability of Greece, our friend, in the face of the Soviet's provocative actions.

Mr. President, there is a continuous effort to attempt to legislate foreign policy. These efforts are leading the United States to isolationism. They will separate the United States from her allies, especially in view of the Soviet's increasing strategic power.

Mr. President, I strongly recommend that the Senate oppose this amendment to eliminate military assistance to Greece.

#### THE COOPER-CHURCH AMENDMENT

Mr. MANSFIELD. Mr. President, a few days ago there was a public report, later confirmed by the Secretary of Defense,

that South Vietnamese troops had gone into Laos and had been accompanied by American advisers. It was brought out that that was not the first time a venture of that sort into that country had been undertaken. It was stated that very likely it would not be the last time.

This morning, the radio carried a report that 217 Americans had been killed in the week ending last Saturday. That brings the total, if my figures are correct, to 42,118 Americans killed in combat. With respect to those who were killed in Southeast Asia not as a result of action by hostile forces since January 1, 1961—but dead, anyway—the total number I have as of a week ago Saturday is 7,852, for a total of 49,970 Americans dead. But still the war is being expanded and extended back into North Vietnam, as it was a week or so ago; now into Cambodia, into Laos, and who knows where else before we are through.

I have noticed some other things, which I intend to discuss briefly at a later time, to which I think this Government and our people and this Congress should give the most serious consideration.

First, I have noted that there are reports—persistent, it seems—that there will be extended debate until after June 30, 1970, with respect to the Cooper-Church amendment. It is somehow thought that if only the Senate would put off acting until after June 30, the questions raised would disappear or be rendered moot. To put off this vote will be such a waste of time; a waste of time, because the full thrust and effect of the Cooper-Church amendment occurs after July 1, 1970.

Just let me say that anyone with the most limited legislative experience would realize that this measure could not become law prior to July 1, 1970, in any event. The measure must return to the House—go to conference—return to each body for approval of the conference report and then be forwarded to the President for signature within 10 days. To think that the process could be accomplished before July 1, 1970, or that there will be some point in evading a vote until that date is to dream the impossible dream.

The full thrust of the Cooper-Church amendment is prospective and should be seen in perspective. It cements into law and, therefore, adds weight to the President's commitment to the American people that U.S. forces will not reenter Cambodia without the concurrence of Congress, after they are once brought out prior to July 1, 1970.

May I say, Mr. President, that I agree with the distinguished minority leader who stated yesterday that "in my opinion, the President of the United States will have all U.S. forces out before July 1, 1970." But, if the Cooper-Church amendment is enacted, no appointed adviser to the President—military or civilian—will include in the future the option of giving to the President a recommendation for a U.S. invasion of Cambodia—for exposing U.S. soldiers to that added risk—without noting, too, that the action requires prior action in accordance with constitutional processes by an elected Congress.

In short, this amendment strengthens the President's hand in adhering to his stated policy in the future. Insofar as I am concerned, the Senate ought to be prepared to face up to the issue today, tomorrow, next week, or next month. The issue will not go away on June 30. It will not go away, period.

I might add that the present Military Sales Act has no authority for continued operations.

This bill authorizes funds for those operations from July 1, 1970, to July 1, 1971—the next fiscal year. If we do not get to a vote on this bill before June 30, there will be no authorization for this program and if it is not enacted, no continuing funding authority for this program should be permitted.

I was most disturbed to note General Ky's remarks in this morning's press. "A silly argument of silly people" is the way he put it. "We will not let anyone tie our hands" in prosecuting the war in Cambodia." Mr. Ky is Vice President of the Republic of South Vietnam. He certainly is not remiss in telling us what to do, in indicating how to act, and in stating to us what he and his Government intends to do in Cambodia, in Laos, and elsewhere.

These are only the latest threats he has hurled at this Nation. Let him make his threats about expanding the war in Indochina without American men, without American supplies, without American advisers. Let him make his threats after U.S. troops leave Vietnam.

All I can say is that I am confident the Senate of the United States will not yield to or be cowed in doing what must be done for the well-being of this Nation by the taunts of one of the chief administrators of the Government that for so long has been protected by the money of the American people and the blood of American men.

I would hope that the Senate will face its responsibilities and vote on this issue without prolonged delay rather than neglect its constitutional obligations.

#### ORDER OF BUSINESS

Mr. GOLDWATER. Mr. President, I ask unanimous consent that I may proceed for not more than 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### WAR PRISONERS A CENTRAL ISSUE IN CAMBODIA DEBATE

Mr. GOLDWATER. Mr. President, over the past few weeks, I have heard more concern expressed on the subject of Southeast Asia and the American presence there than I have heard in the past 4 or 5 years. We are at the moment involved in what has been described as the debate of the decade by some and by others even the debate of the century.

Yet, among all this considerable amount of discussion, I have heard very little about one situation which is directly and deeply involved in the whole complex Southeast Asian problem—and that is the plight of those Americans now being held prisoner of war by the North Vietnamese.

Being human we have a tendency, I fear, to push aside as of small consequence the fate of a handful of people when we are discussing the broad sweep of history and its great issues.

I am afraid that when we plunge ourselves into the all-encompassing issues of the rights of Congress versus the rights of the Presidency, we sometimes overlook the rights of small groups of people even though they may be more closely bound to the issues under consideration than almost anyone else in the land.

When we become deeply involved in a discussion of the needs of our Nation in its foreign policy dealings, we sometimes overlook the needs of a small group of people, even though their needs are of paramount importance in the larger issues involved.

The President of the United States in his speech to the Nation regarding the Cambodian military situation did focus, even if briefly, on this issue of what has happened to our men held prisoner. He said then that these men could not be held hostage by the enemy. As a Nation we cannot allow it.

Mr. President, their plight, their future, and the future of their families are tied up inexorably in the discussions we hold here now. We cannot ignore them, nor can we brush aside their future without at the same time ignoring the whole central issue of Southeast Asia.

That issue, stated in its simplest terms, is to bring the enemy to the negotiating table with some assurance that he will negotiate in good faith.

Part of the issue to be negotiated at any and every conference with the enemy is the issue of American prisoners of war.

The North Vietnamese Communists have adopted a peculiar approach to the whole problem of prisoners of war. The North Vietnamese will not discuss an exchange of prisoners because they stoutly maintain the fiction that there are no North Vietnamese war prisoners.

They arrive at this rather strange conclusion by saying that there are no North Vietnamese in South Vietnam and, therefore, there could be no North Vietnamese prisoners. Thus, there is nothing to exchange.

I would remind the Government of North Vietnam that the shoe can sometimes be on the other foot, and recall for them the Red Chinese rage and frustration when 50,000 Chinese prisoners of the Korean war refused to go home to slavery. Perhaps it is fear of something like that which causes North Vietnam to claim we have no prisoners from their side.

Against this pig-headed stand by the Hanoi government there are no successful arguments. We can give them all the statistics in the world about the number of men we hold, their names, the names of their villages, their condition, the place where they were captured, and even the names of their families. It is of no avail. The North Vietnamese at Paris steadfastly continue to deny their existence.

Therefore, they say, any discussion of an exchange is irrelevant.

The result of this diplomatic impasse is the continued suffering of the men



themselves and the continued agony of their families here in America.

I know that, when we think about it, our hearts go out to these families and our concern for them and their situation is deep. Let me suggest, let me urge, that my colleagues keep the situation involving these men and their families ever foremost in their thoughts as they debate the broad issues which now confront us. Perhaps such consideration, such concentration on the plight of a few specific human beings will tend to keep the discussions more sharply in perspective.

There are fewer than 2,000 of these prisoners of war.

Together with their families they constitute perhaps less than 10,000 members of a 205-million-member society we know as the United States.

Yet these few thousand citizens find themselves at the very eye of the hurricane of history.

Around them thunder the great seas of human events.

Like a small boat caught up in the vortex of weather, there is little they can do about it, there is little they can do to protect themselves.

They look to us for rescue.

We cannot, as humane people, fail to offer them that rescue while we consider larger things. Because, in all reality, there is no larger issue involved.

#### ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. CRANSTON). Is there further morning business?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. PERCY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CONTINUED PRESENCE OF SOUTH VIETNAMESE FORCES IN CAMBODIA

Mr. PERCY. Mr. President, General Ky stated yesterday that South Vietnamese forces will stay in Cambodia after American forces have been withdrawn. And Robert McCloskey, the State Department press officer, acknowledges this.

My reaction to this is as follows: If the South Vietnamese Army is strong enough to fight in Vietnam and Cambodia at the same time, we should now be able to increase substantially the pace of U.S. troop withdrawals from Vietnam. If 30,000 South Vietnamese troops can be spared from duty in Vietnam to fight in Cambodia, we can afford to withdraw an additional 30,000 American troops from Vietnam.

The South Vietnamese forces should be withdrawn from Cambodia, just as the American forces have been committed to withdraw. Let the 30,000 South Vietnamese troops return from Cam-

bodia promptly following the American withdrawal and let us withdraw 30,000 American troops from Vietnam at that time.

#### TRIBUTE TO NIXON ADMINISTRATION FOR ITS SUPPORT OF INTERNATIONAL CONFERENCE ON INDOCHINA

Mr. PERCY. Mr. President, I should like to commend the Nixon administration for the support that it has publicly given to the Asian Nation Conference that has just been completed in Indonesia and the welcome and support that it has given for further Asian consultations leading toward an early convening of an international conference on Indochina.

The administration's position and the proposals of the 11 All-Asian Nations Conference in Jakarta give hope of increased efforts for a negotiated peace and of increased cooperation among Asian nations in the interest of peace.

The conference in Indonesia called early this week for a new International Conference on Indonesia and reactivation of the International Control Commission in Cambodia.

Mr. President, in July 1966, I called for an all-Asian peace conference. I have long felt that the Asian nations themselves are best able to solve Asian problems. And this, it seems to me, is the essence of the Nixon doctrine enunciated at Guam.

Let these nations whose security is so important to the stability of that area of the world and let these nations who are fighting for their own freedom and their own security find a way to stabilize the Southeast Asian community.

I think that consultations of this type and the progress made in this first all-Asian conference should certainly lead us to encourage efforts on their part in the future.

#### INDOCHINA: THE CONSTITUTIONAL CRISIS—PART II

Mr. PERCY. Mr. President, all of us who have studied the report "Indochina: The Constitutional Crisis," appearing on pages 15411-15417 of the CONGRESSIONAL RECORD of May 13, 1970, will be pleased to know that the Yale law professors and students who prepared that report have, since that time, broadened their research. Their new report addresses two questions, the congressional and executive roles in warmaking, and institutional responsibility in regard to the Indochina war.

The new report is signed by Louis H. Pollak, dean; Charles L. Black, Jr., Luce professor of jurisprudence; and Alexander M. Bickel, chancellor Kent professor of law, all of the Yale Law School. Yale students of law who participated in preparation of the report include David B. Cook, Timothy W. Bingham, Charles D. Calvin, Gary L. Fontana, Howard O. Hunter III, and Eric P. Stauffer.

They have made a very important contribution to understanding of the constitutional crisis involving executive and legislative powers in the warmaking process. Their report illuminates the de-

bate which is now beginning on the war-making power. As I noted in my speech introducing Senate Resolution 409 on May 14, 1970, there is no question that the framers of the Constitution meant to give Congress the power to initiate hostilities, except that the President, as Commander in Chief, was empowered to repel sudden attacks. Senate Resolution 409 seeks to define more clearly the separation of powers between President and Congress in the use of troops for combat, and to reassert the constitutional role of Congress.

I ask unanimous consent that the report be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

#### I. THE CONGRESSIONAL AND EXECUTIVE ROLES IN WAR-MAKING: AN ANALYTICAL FRAMEWORK

In a famous concurring opinion in *Youngstown Sheet & Tube Co. v. Sawyer*,<sup>1</sup> [the Truman steel seizure case], Justice Jackson developed a theory of the power relationship between Congress and the President which is useful in analyzing the current constitutional crisis over the Indochina War. Justice Jackson posited that a large measure of power to make national policy is fixed in neither the Presidency nor the Congress, but rather fluctuates with the initiatives and actions of each branch. According to Jackson's theory: 1) There is a zone of constitutional power which is exclusively executive—an area in which the President is authorized to act even against the express will of Congress. 2) Similarly, there is a power zone which is exclusively legislative. 3) In between these two exclusive areas, there is "a zone of twilight in which he [the President] and Congress may have concurrent authority, or in which its distribution is uncertain."<sup>2</sup> In that twilight area, either branch can act in the absence of initiative by the other.

Justice Jackson did not explicitly state what would happen if both the President and Congress attempted to operate in the twilight zone in ways that brought their wills into conflict. In such a situation, the conflict would best be resolved through the spirit of cooperation which has been the underlying strength of American constitutional government. If cooperation proved impossible, however, deadlock could result. Congress could legislate, but the President might refuse to execute its laws; the President could issue orders, but Congress might deny funds necessary to carry them out.

Of course, under the constitutional scheme of "checks and balances," either branch can almost always block action by the other. Thus, all federal power is in a sense subject to the same limits as power located in the twilight zone. Congress can, for example, refuse to appropriate funds to execute a presidential order made within his zone of exclusive power. Similarly, the President can refuse to execute a law passed over his veto pursuant to an exclusive grant of congressional power. The difference, at least under Jackson's theory, is all that (1) while either branch can constitutionally block the other from attempting to exercise power exclusively vested in itself,<sup>3</sup> (2) each branch is under a constitutional obligation not to block exercises of the exclusive power granted to the other branch.<sup>4</sup>

Furthermore, under Jackson's analysis, Congress has no constitutional obligation to refrain from blocking the President when he attempts to exercise twilight zone power.<sup>5</sup> The President, however, is prohibited from blocking congressional exercise of such power. He can, of course, veto legislation within the

Footnotes at end of article.

twilight zone, for that is his constitutional prerogative as a participant in the legislative process. But if two-thirds of Congress overrides his veto, then the legislative will must prevail. For, under the Constitution, there is a bias toward Congress as the ultimate repository of national power.

Congress is closer to the electorate and represents a greater diversity of views than the President. Therefore, in terms of traditional democratic theory, the power of Congress is more "basic" than that of the President. Indeed, it might be argued that, in terms of democratic theory, the only justification for granting the President any power which is concurrent with that of Congress is that there may be situations in which the national interest requires speedy action. But if Congress has acted in a given case, then that justification disappears.

Finally, the text of the Constitution itself indicates that in cases of conflict within the twilight zone, the congressional will should prevail. Whenever the Constitution explicitly divides the responsibility for a particular action between the two branches, it provides no method by which the President can effect his will over the opposition of Congress.<sup>6</sup> On the other hand, whenever Congress has power to legislate it can legally obligate the President to effect its will: For a bill passed over a presidential veto is as much the law of the land as one which he signs; and the President is charged with the duty of faithfully executing the laws. His only legal excuse for failing to execute a law is that Congress lacked power to pass it. But, in the twilight zone, Congress has power by definition.

Furthermore, the lesson of the steel seizure case itself is that the legislative will must prevail when there is conflict within the twilight zone. Although there is language in the Court's opinion to the effect that the power to order the seizure of the steel mills was exclusively legislative, such a conclusion was neither necessary to the result reached nor supported by a majority of the Justices.<sup>7</sup> A better analysis is that power to order seizure of the mills was in the twilight zone, that in a wartime emergency the President could have ordered the seizure in the absence of a contrary expression of congressional will, but that there was in fact such a contrary expression.<sup>8</sup>

In summary, the implications of Justice Jackson's analyses are that: 1) In the zone of exclusive executive power, any legislation attempting to restrict presidential action is void and can be ignored by the President, even if it is "passed" over his veto. 2) In the zone of exclusive congressional power, any presidential action is illegal and can be prevented or ended by action of Congress. 3) In the twilight zone of concurrent power, either the President or Congress can act in the absence of initiative by the other. If both attempt to act in ways that bring their wills into conflict, the deadlock must be resolved in favor of congressional action through valid legislation, which includes legislation passed over a presidential veto.

Justice Jackson's theory is in one respect difficult to reconcile with the traditional conceptions of constitutional "separation of powers" and "checks and balances." As they are normally conceived, those principles describe a system in which complementary but distinct powers are granted to different branches of government. In Jackson's twilight zone, however, identical powers are granted concurrently to the President and Congress. With regard to foreign and military affairs, however, a twilight zone must exist: For in those areas there is a residuum of power over and above those specifically enumerated in the constitution.

"The broad statement that the federal government can exercise no powers except those specifically enumerated in the Con-

stitution, and such implied powers as are necessary and proper to carry into effect the enumerated powers, is categorically true only in respect of our internal affairs. In that field, the primary purpose of the Constitution was to carve from the general mass of legislative powers then possessed by the states such portions as it was thought desirable to vest in the federal government, leaving those not included in the enumeration still in the states. . . . And since the states severally never possessed international powers, such powers could not have been carved from the mass of state powers but obviously were transmitted to the United States from some other sources."<sup>9</sup>

The federal government, in short, possesses all the "necessary concomitants of nationality"<sup>10</sup>—all those powers necessary to enable the United States to act in the international arena on an equal footing with other nations.

It is doubtful whether the powers which are necessary concomitants of nationality could be enumerated in any constitution: they are too much dependent on an evolving historical context, and too little susceptible of definition.

In any case, our constitution did not attempt to enumerate them. The sum of the war and foreign policy powers specifically granted to the legislative and executive branches is less than the totality of power inherent in the concept of sovereignty. And it is precisely because there exists an amorphous residuum of national power above and beyond the sum of enumerated powers that Jackson's twilight zone must exist, despite its apparent incongruity with traditional separation of powers and checks and balances notions. Those powers must vest somewhere, and there is *nothing*—nothing in the Constitution,<sup>11</sup> nothing in history,<sup>12</sup> nothing in the case law,<sup>13</sup> and nothing in common sense—to suggest that the entire residuum vests exclusively in one or the other branch.

It is of course possible that parts of the residual power vest exclusively in either or both branches. But it would be futile to attempt to define which parts, if any, do. As noted above, the totality of residual power is not susceptible to precise division and definition. Further, the enumerated powers would be of only slight help in specifically allocating exclusive portions of residual power, for they themselves have never been precisely defined. In short, it would be unwise to attempt to derive, from either enumerated or residual powers, rigid rules as to which branch has authority to decide whether the nation should take certain specified acts vis a vis other nations. Rather, the best approach is to attempt to reach a general understanding of the nature of the power appropriate to each branch, based on (1) the special competences of each, and (2) the probable internal consequences of external actions.

The special competence of the office of the Presidency is its capacity for fast, efficient, and decisive action. Power in the executive branch is hierarchical; in Congress it is diffuse. Decisions in the legislative branch are made according to complex procedural rules in two separate institutions; in the White House they can be made by one man. The essence of the legislative process is deliberation and compromise; in the executive process, at least in theory, it is command.

Speed and efficiency, however, are not the proper ends of government. If they were, the framers would have created a dictatorship. The main theme underlying the Constitution is, of course, the desire to temper the decisiveness of a President with the prudence inherent in a large body which acts through deliberation, compromise, and consensus. And it is that prudence, coupled with the fact that Congress is closer to the People and reflects the diversity of their views, that gives rise to its special competence, a unique

legitimacy to commit the resources and will of the nation.<sup>14</sup>

The foregoing considerations support two conclusions: (1) When a decision in foreign or military affairs demands speed and decisiveness, there is a presumption that it is within the exclusive power of the President. (2) All other decisions are within the power of Congress. Some of that congressional power is in the twilight zone and held concurrently with the President. But when the decision entails a significant commitment of the nation's human, physical, and moral resources, there is a presumption of congressional exclusivity. The presumption can be rebutted: The President can unilaterally commit a significant amount of the nation's human, physical, and moral resources; but he can do so only if there is a clear need for speed and decisiveness.

There are, of course, no clear lines of division. It is impossible to define "a significant amount" of resources; and certainly the President has twilight zone power to commit less than "a significant amount" to foreign and military actions (but only in the absence of a prior expression of conflicting congressional will). The basic consideration is simply that there is a point at which decisions become so momentous—in human, physical, and moral terms—that power passes from the twilight zone into the exclusively legislative zone.

## II. THE INDOCHINA WAR IN CONTEXT: INSTITUTIONAL RESPONSIBILITY

### A. A note on precedent

Since the basic questions of legislative/executive power relationships are largely non-justifiable,<sup>15</sup> the boundaries of constitutional power are in practice determined by the actions of both branches. However, not every case in which either branch has acted unilaterally constitutes a "precedent" indicating that it alone had authority to act. Certainly a unilateral action by the President, acquiesced in by the silence of Congress, is an indication that both branches thought that the President had power to act—that the action was not within the exclusively legislative zone. But it does not indicate that the power was exclusively presidential, precisely because there is a large zone of overlap in which both have authority to act.<sup>16</sup> Although the historical trend of the last one hundred years has been one of presidential initiative within the twilight zone, the fact of presidential initiative in that zone does not deny the Congress its concurrent—and, in the last analysis, paramount—power to act.

Furthermore, the large number of presidential initiatives should not be allowed to obscure the fact that congressional twilight zone power has not gone unexercised. The following are a few examples:

In 1871, Senator Sumner introduced a resolution condemning President Grant for sending warships to Santo Domingo. It was tabled, but may have been influential in persuading Grant to abandon his attempts to annex the island.

On April 20, 1898, five days before declaring war on Spain, Congress passed a joint resolution demanding that Spain withdraw all forces from Cuba.<sup>17</sup> The resolution stated that "the people of the Island of Cuba are, and of right ought to be, free and independent" [thus, in effect, recognizing a foreign government] and that "the President of the United States be, and hereby is, directed and empowered to use the entire land and naval forces . . . to such extent as may be necessary" [thus directing the President to exercise force in the absence of a declaration of war].

In June, 1917, Congress passed a statute which provided in part: "During a war in which the United States is a neutral nation, it shall be unlawful to send out of the jurisdiction of the United States any vessel built, armed, or equipped as a vessel of war . . .

Footnotes at end of article.



with any intent or under any agreement or contract . . . that such vessel shall be delivered to a belligerent nation. . . ."<sup>18</sup>

In August, 1935, Congress passed over the strenuous objection of the State Department an act which required the President to embargo the sale of arms and munitions to belligerents "upon the outbreak of war between two or more foreign states."<sup>19</sup>

Because the neutrality legislation did not apply to civil wars, Congress in 1937 passed a joint resolution forbidding the export of arms to either side in the Spanish Civil War.

In an advisory opinion to President Roosevelt, Attorney General (later Justice) Jackson advised that the famous destroyer for bases deal with Great Britain would not violate either the 1917 or the 1935 neutrality legislation, since the destroyers were of ancient vintage and not built, armed, or equipped with intent to deliver to a belligerent, and since it was technically a trade rather than a sale. But Jackson did advise that the 1917 law prohibited the proposed transfer to the British of "mosquito boats" then under construction. *Congress had taken the initiative in the twilight zone, and the President was bound:* "If these boats were released to the British Government, it would be legally impossible for that Government to take them out of this country after their completion, since to the extent of such completion at least they would have been built, armed, or equipped with the intent . . . that they would enter the service of a belligerent. . . ."<sup>20</sup>

In the Selective Service Act of 1940, Congress provided that "Persons inducted into the land forces of the United States under this Act shall not be employed beyond the limits of the Western Hemisphere except in the Territories and possessions of the United States. . . ."<sup>21</sup>

And, of course, there is Section 643 of the Defense Appropriations Act for the current fiscal year, which provides that "none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos and Thailand."<sup>22</sup>

#### B. Indochina and institutional responsibility

The thrust of Justice Jackson's analysis and the thrust of history support strongly one basic conclusion: *Within the twilight zone of shared power, if members of Congress have views on the conduct of foreign and military affairs which differ from those of the President, there is no reason—in the Constitution, in theory, or in precedent—why they should hesitate to write their policy preferences into law.* The framers of the Constitution, in creating concurrent power, did not intend that Congress would limit its expressions of disagreement with the President to speechmaking. *The possession of power creates a responsibility to ensure that it is exercised when needed.*

The basic decisions concerning the war in Indochina are within the power of Congress—held either concurrently or exclusively. That is, as distinguished from those command-type tactical decisions which must be made quickly and decisively in order to protect American personnel and which are exclusively presidential, the policy and strategy decisions concerning Indochina are within the power of Congress to make. And because they have the power, Congressmen have the duty to consider the issues, to consult their constituencies, to deliberate, and then to decide whether the course which the President is pursuing is one which should be continued. If they decide that the President's course is the wrong one, they would be acting well within the letter and spirit of the Constitution if they changed it.

Of course, it may be that a majority of Congressmen will decide that the nation is on the right course and that they have "confidence in the President" to continue. There

is one matter, however, in which Congress can not place its "confidence in the President." *Whether Congressmen are for or against the war, whether they favor escalation or withdrawal, they have a responsibility as members of one of the three branches of the federal government to preserve the integrity and power of that branch.* As noted above, since the great questions involved are largely non-justiciable, the boundaries of constitutional power are fixed by the actions of the two branches themselves. The legislature can have "confidence in the President" to take the initiative in exercising twilight zone power, because the historical precedent thereby set is not a negation of concurrent congressional authority.<sup>23</sup> *But Congressmen cannot, they must not, allow the President to take the initiative in the zone which is exclusively legislative.*

In our opinion, the major questions concerning peace and war in Indochina approach the zone of authority which belongs exclusively to the Congress. Thousands of our young men are killing and being killed; billions of dollars of resources are being expended; and the moral strength of the nation is being undermined. Indochina does go further toward the legislative pole than any President has gone unilaterally in the past. Never before has a President committed so much of our human and material resources, so much of our moral fibre, for so long a time, when there was so little urgency.<sup>24</sup>

Congress must ask itself whether the Gulf of Tonkin Resolution—passed in haste, at a time when there was no indication that large numbers of ground troops would be committed to Southeast Asia, and when Congress was without all the facts—can fairly be read to delegate to the Presidency authority to do what has been done. And, even if the Resolution can be so read, Congress must consider whether that is an authority which any President—any one human being—should be allowed to exercise.

The issue of institutional responsibility cannot be circumvented by placing confidence in the person of the President to do the right thing: For in the exclusively legislative power zone, it is essential not only that the right thing be done, but also that the legislature authorize it. Whenever Congress acquiesces in the actions of a President, it admits that the power to act was not exclusively legislative—that the President had at least concurrent authority. In short, *Congress as an institution must realize that its action or inaction in the current situation will define for the future the boundary between the twilight and exclusively legislative zones.* Even if Congressmen believe that the man who is now President would wisely wield legislative power, they cannot make that judgment of the man who will be President ten, twenty, or thirty years from now.

If Congress decides it must act, it will not precipitate a constitutional crisis: For we are in a constitutional crisis. And it is a crisis in which Congress cannot avoid a response—in this situation, *inaction is a response.* Inaction, just as surely as will action, will define the boundaries of constitutional power for years to come.

#### FOOTNOTES

<sup>1</sup> 343 U.S. 579 (1952). The Supreme Court held that the President was without power—in either the Constitution or statute—to order the seizure of the nation's steel mills during the Korean emergency.

<sup>2</sup> 343 U.S. 579, 637.

<sup>3</sup> For example, Congress could constitutionally provide that no funds can be used to collect a tax which the President had purported to lay, since that is a power vested by the Constitution exclusively in Congress.

<sup>4</sup> For example, assuming *arguendo* that it is within the President's exclusive power to

order the armed forces to repel a foreign attack on American territory, Congress could not constitutionally legislate that appropriated funds can not be used for that purpose. They could pass such a law; but it would be illegitimate and void, even though the question of its constitutionality would probably not be justiciable.

<sup>5</sup> For example, assuming *arguendo* that a decision to blockade Haiphong harbor would fall within the middle power zone, Congress could constitutionally provide that no appropriated funds might be used for that purpose, since it would have as much constitutional authority to act on that matter as the President. Note in this connection that the thrust of the argument in part IV of the first Yale paper [*Congressional Record*, May 13, 1970, p. 15411] that Congress can restrict the President's conduct of the war through limits in appropriations is that Congress could constitutionally do so—that it would be exercising either twilight zone power or its own exclusive power.

<sup>6</sup> He can negotiate treaties, but only if two-thirds of the Senate consents do they become the law of the land. He can nominate ambassadors, but they can head American missions abroad only if the Senate approves.

<sup>7</sup> The Opinion of the Court was signed by one Justice. Two Justices concurred in the opinion and the judgment, three in the judgment only, and three dissented.

<sup>8</sup> "When the Taft-Hartley Act was under consideration in 1947, Congress rejected an amendment which would have authorized such governmental seizures in cases of emergency. Apparently it was thought that the technique of seizure, like that of compulsory arbitration, would interfere with the process of collective bargaining." 343 U.S. 579, 586.

<sup>9</sup> *United States v. Curtiss-Wright Export Corp.*, 299 U.S. 304, 315-16. Emphasis is the Court's.

<sup>10</sup> *Id.*, 318.

<sup>11</sup> The fact that the enumerated powers in foreign and military affairs are divided between the President and Congress in an indication that the residual power should not vest exclusively in either. That some of the residual power must vest in Congress is indicated in Article I, Section 8. Congress is given power "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof. [emphasis added]"

<sup>12</sup> Indeed, the lesson of history is that the President and Congress have shared the residual power. See the first Yale paper and Part II, *infra*.

<sup>13</sup> The statement in *United States v. Curtiss-Wright*, 299 U.S. 304, 320, that the President is "the sole organ of the federal government in the field of international relations" is not to the contrary. It asserts that the President is the sole executor of American international policy, but does not deal with the question of which branch is to make that policy.

<sup>14</sup> The competence of Congress to commit the resources and will of the nation is reflected in the allocation of enumerated constitutional powers. It can commit the human and material resources of the nation by laying taxes, borrowing money, and raising an army. It can commit the will of the nation by declaring war. And, perhaps most significantly, it can change the very character of the nation by establishing standards for naturalization. All these things, furthermore, Congress can do over the President's veto.

<sup>15</sup> See *Mora v. McNamara*, 389 U.S. 934 (1967), Justice Stewart dissenting.

<sup>16</sup> The first Yale paper outlined three theories under which unilateral Presidential action has been justified: (1) The Sudden Attack Theory—which justifies unilateral

presidential response to defend the sovereignty and integrity of the nation in an emergency; (2) The Neutrality Theory—which justifies unilateral presidential action to protect American lives and property so long as the use of force is neutral with respect to external conflicts; and (3) The Collective Security Theory—which justifies Presidential action under one of the collective defense treaties. Of these three theories only the first is an argument for presidential exclusivity—and then only if it is clear that the time for response is short.

<sup>17</sup> 30 Stats. at Large 738-39.

<sup>18</sup> 40 Stat. 217, 222.

<sup>19</sup> 49 Stat. 1081.

<sup>20</sup> 39 Opinions of the Attorney General, 484, 496 (1940).

<sup>21</sup> 54 Stat. 885.

<sup>22</sup> 83 Stat. 469.

<sup>23</sup> See *supra*, p. 9.

<sup>24</sup> In the Korea emergency of June, 1950, for example, the suddenness of the aggression necessitated a speedy response.

<sup>25</sup> See "The Gulf of Tonkin, the 1964 Incidents," U.S. Senate, 90th Cong., 2d Sess., Committee on Foreign Relations, Hearings, February 20, 1968.

### ORDER OF BUSINESS

The PRESIDING OFFICER. Is there further morning business?

Mr. GOLDWATER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### AMENDMENT OF THE FOREIGN MILITARY SALES ACT

AMENDMENT NO. 649

Mr. MAGNUSON. Mr. President, I submit an amendment intended to be proposed to the bill now pending before the Senate (H.R. 15628) which, in effect, would add at the end of the bill a new section, section 14.

This amendment is sponsored by my distinguished colleagues, the junior Senator from Washington (Mr. JACKSON), the distinguished senior Senator from Oregon (Mr. HATFIELD), the distinguished junior Senator from Oregon (Mr. PACKWOOD), the distinguished junior Senator from Alaska (Mr. GRAVEL), and myself.

The amendment reads as follows:

At the end of the bill add the following new section:

"Sec. 14. No funds authorized or appropriated pursuant to this Act or any other law may be used to transport chemical munitions from Okinawa to the United States."

Mr. President, the amendment speaks for itself. I send the amendment to the desk and ask that it be printed.

The PRESIDING OFFICER (Mr. CRANSTON). The amendment will be received and printed, and will lie on the table.

Mr. MAGNUSON. Mr. President, I have submitted this amendment to the Foreign Military Sales Act (H.R. 15628) on behalf of myself, the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD),

and my colleague from the State of Washington (Mr. JACKSON) for the following reason:

The amendment would prohibit the movement of deadly chemical warfare agents now located in Okinawa through the State of Washington for storage at Umatilla, Oreg. The amendment would accomplish this purpose by prohibiting the expenditure of any funds for movement of the chemical warfare agents from Okinawa to the United States.

I and many of my colleagues from the Northwest in the Senate and House of Representatives and many other persons have spoken out vigorously against the Department of Defense plan—known as Operation Red Hat, which might be an appropriate name—in an attempt to persuade the Secretary of Defense and the President that the planned movement of deadly gases from Okinawa to the States of Washington and Oregon creates a risk to the population so far outweighing any conceivable benefit that these deadly agents should be destroyed at their present location if their storage on Okinawa must be discontinued.

I am not familiar with every detail of the arrangement the President of the United States made with the Premier of Japan in relation to storage of weapons on Okinawa. I do know that the Japanese people have been concerned for a long time mainly with nuclear weapons stored on Okinawa. I do not believe there is any commitment or promise by the President that he would move the so-called nerve gas from Okinawa. The Defense Department has said there would be no harm in leaving it there, and the Okinawans do not think it would be harmful. Why should it be moved back to the United States for storage in the State of Oregon?

I know the Department of Defense does stupid things—I cannot understand this movement. In the first place, we are not going to use the nerve gas in the United States. In the second place, assuming it is a part of our defense arsenal, if it is going to be used in the Far East or abroad, what is the sense of moving it to the United States and then moving it back? If anyone understands this movement, explain it, I do not understand their reasoning.

I have been trying to get the cost figure from the Department of Defense. Finally, they came up with a figure of \$6 to \$7 million to move it one way. That probably means \$10 or \$11 million by the time they get finished. By the time we move it back, we will be talking about \$20 million to do something that is completely unnecessary.

If there is any awareness at the Pentagon at all, which sometimes I doubt, this is the wrong time and the wrong place to ship these chemical munitions. This shipment will alarm people who are already very concerned because of the demonstrations and bombing in the Seattle area.

Mr. President, when you talk about nerve gas, you touch a very sensitive nerve ending. Someone might lie down on the railroad tracks or throw a bomb at a car, or do something of that nature.

I understand ships are now standing by in Okinawa to pick up the nerve gas

containers. Many scientists in the United States are familiar with this chemical material and they all say this is a gas which could be easily destroyed, and there could be no harmful effects on the environment, either to the ocean or the air.

Mr. President, it is my personal conviction that these hideous weapons such as nerve gas do not belong in our arsenal. My colleagues know that I have always been a forceful advocate for a strong and adequate defense. But I cannot imagine a situation in which our Nation, which so well proclaims the rhetoric of humanitarian concern, could ever choose to unleash weapons such as nerve gas upon the peoples of the world. These weapons should be destroyed. I do recognize, however, that it is properly the concern of the Department of Defense whether these existing chemical warfare agents now stored in Okinawa should be maintained or destroyed. I cannot conceive, however, that the proper exercise of that concern could mean exposing the population of the States of Washington and Oregon to the serious risk of an incident occurring during the movement of these chemical weapons.

What is the use of moving it? No one wants it anywhere in this country. It is already stored in Okinawa. I saw that storage area in Okinawa last September. No one seemed very concerned about it. They have truck gardens over the storage area where they are raising turnips and onions.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, I stand second to no one in my support of a strong and adequate defense.

As I recall, and perhaps the Senator from Idaho can refresh my memory, the President sent up a strong message in this regard a few weeks ago. Is that correct?

Mr. CHURCH. The Senator is correct. The President announced we were going to get out of the nerve gas business.

Mr. MAGNUSON. My recollection is that he said we were going to get out of it altogether.

Mr. CHURCH. Since we had the power to blow up the world; it did not seem necessary to poison it as well.

Mr. MAGNUSON. Mr. President, the Governors of the States of Washington and Oregon have joined with other concerned officials and citizens in a legal action seeking to stop this imminent movement of chemical warfare agents to these two States. I do not know anyone out there who is for "Operation Red Hat." I have not found anyone who supports this movement except Pentagon officials.

I hope the Senate will favorably consider the amendment. There is legitimate and well considered concern that a serious incident might occur if the planned operation is carried out.

While the detailed safety plan for Operation Red Hat drawn up by the administration may look fine on paper it



does not take into account the very real danger of irrational action by citizens that could endanger the lives of millions. The movement plan involves nearly a full month of constant presence within Washington State of trains moving with this awful cargo. How can we assure that some deranged or misguided person will not provoke an incident that could set off a tragedy unparalleled in our history? Perhaps the risk of such action is slight, but in view of the terrible consequence that could result we cannot in good conscience allow Operation Red Hat to be carried through.

Mr. President, I am sure my colleagues well remember the mysterious deaths of hundreds of sheep in Utah some several months back. It is generally known that the deaths were due to an accident involving nerve gas. I have viewed the tragic pictures of sheep lying dead in their tracks over many acres of the Utah countryside. Our citizens must not be exposed to the possibility of a similar fate.

The Department of Defense has sought to assure us that the chemical warfare agents create no real threat and have briefed us in some detail as to the manner in which the gases are prepared for movement. I am sure that it is possible to store such weapons in a safe manner but the real danger comes in the process of transit from their present storage location to the docks, into the ships, being unloaded from the ships in the United States, and then loaded onto railroad cars for a lengthy trip through an area heavily populated with people who are very upset about this activity.

Surely, Mr. President, if the United States should ever use these hideous weapons—and I pray we never do—I cannot imagine that they would be used against the citizens of Washington and Oregon. The readiness of these weapons for possible use would only mean another movement out of the States with the attendant dangers of such movements and the expenditure of millions of dollars more to accomplish that purpose. In short, Operation Red Hat does not make military, economic, or public safety sense.

If the nerve gas is as well packed and safely stored as the Department of Defense asserts then why not just leave it at its present location? Why run the risk of transporting these weapons? It is my understanding that our agreement with Japan requires only the removal of our nuclear weapons and does not require the action contemplated by Operation Red Hat.

Mr. President, I cannot understand any wisdom to "Operation Red Hat." It is my most serious intention to do all in my power to see that this plan is not implemented.

Mr. President, even if they moved it safely, it is a stupid plan from an operational or cost viewpoint.

The Governor of Oregon called the Vice President and said:

For heaven's sake, Ted, give the feelings of Oregonians a little consideration and ease up on the bullheadedness that is forcing so many supporters of the administration to the wall in Oregon.

That may sound a little political but I agree with the Republican Governor of

Oregon. Speaking over the telephone to the Vice President, he said:

You have no conception of the concern the proposed shipment of nerve gas from Okinawa to Oregon has created in this State. It is the broadest and deepest protest base ever created here over any issue in my memory.

The Governor of my State, who happens to be a Republican Governor also protested even more vigorously than the Governor of Oregon.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Mr. President, in addition, the plan for making the move proposes that the two States call out police and the National Guard to clear the tracks and to evacuate citizens near the shipment route. All these things cost money, and the States do not want to carry out the proposed plan.

I am hopeful we will take the "red hat" off the painted head of the Defense Department and destroy it. That is what should happen to this plan and this gas. If it is needed for defense there, let the President say so and it can be left there. If there is involved a promise to Sato, I understood that it dealt only with nuclear weapons.

The ships are ready to ship these horrible weapons. I do not know what we are going to do with it. We are not going to use it in the United States, I hope.

Some irresponsible person might say they are bringing it here to use in the United States—for whatever purpose. That is pretty serious allegation in these troubled times. We are inviting nothing but disaster with this movement and I say this without again mentioning the basic weaknesses in the reasoning of the Defense Department.

So I have submitted this amendment on my behalf, and I am certain a majority of Senators will join us when it comes up for consideration. I do not intend to bring it up before we dispose of the Church-Cooper amendment, which is so very important, but when we are through with that crucial amendment, then I am going to bring this amendment up.

I appreciate the Chair's giving me the extra time.

Mr. CHURCH. Mr. President, if the Senator will yield, I want to assure him that he has my full sympathy and support in the position he has taken. I hope his efforts prove successful.

Mr. GRAVEL. Mr. President, as a cosponsor of the proposal of the Senator from Washington (Mr. MAGNUSON) to prohibit the Defense Department from shipping nerve gas from the storage depot at Okinawa to Alaska, Hawaii, or the Continental United States, I believe I speak for the vast majority of Alaskans, Mr. President, when I say that we do not want such lethal commodities to be shipped to or stored in Alaska.

More properly, the gas should either remain in Okinawa or be detoxified and destroyed. I can understand the concern

that has been expressed in Washington and Oregon regarding the prospect of receiving the gas there and I can assure you that citizens of Alaska are similarly concerned.

I would personally and strongly oppose any proposal to move this gas to Alaska and believe that Senator MAGNUSON's amendment properly deals with this issue.

#### ROLE OF SENATOR MUSKIE IN POLLUTION CONTROL

Mr. MAGNUSON. Mr. President, there are still a few stubborn souls who believe that the great plays of Shakespeare were not written by Shakespeare. There may even still exist on this planet, mystics who are convinced that the world is flat. And, apparently, there are those who fail to recognize that this country would still be in the dark ages of pollution control if it were not for Ed MUSKIE.

Today, in this time of environmental awareness, it might be instructive to look back on the days of the 1960's. I doubt that there was a man in this body in 1963 who had ever heard the term "ecology." Yet in 1963 Ed MUSKIE and his committee considered seven air pollution bills, held 9 days of hearings, three executive sessions, published one committee report, and produced the Clean Air Act of 1963 and the Water Quality Act which passed the Senate that year.

I asked the staff of the Air and Water Pollution Subcommittee, which Senator MUSKIE chairs, to provide me with a list of subcommittee activity and environmental legislation. I ask unanimous consent that these lists be printed at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MAGNUSON. Mr. President, these are impressive lists, and they demonstrate beyond question that Senator MUSKIE and his subcommittee have made enormous contributions to environmental control in each of the intervening years.

But I also speak at firsthand. We on the Commerce Committee have had the good fortune to join with Senator MUSKIE and his subcommittee in a shared effort to come to grips with the pollution hazards of the internal combustion engine. Together, through joint hearings on the technology of the electric and steam cars, we first focused attention on the potential for radical pollution reforms through the development of innovative propulsion systems.

This year, again in joint hearings, we have acted to develop legislation to stimulate the development of technological breakthroughs in low pollution vehicles. Senator MUSKIE joined with us in hearings, brought his expertise to bear in the development of our record, and supported our legislation (S. 3072) as it passed the Senate this year.

#### EXHIBIT 1

##### SUBCOMMITTEE ACTION ON AIR POLLUTION LEGISLATION SINCE 1963

The following lists the activities of the Subcommittee on air pollution legislation from 1963 to the present:

1963: The Subcommittee considered 7 air

pollution bills, held 9 days of hearings, 3 Executive Sessions and published one Committee report (S. Rept. 638). In this year the Clean Air Act was passed.

1964: The Subcommittee heard 125 witnesses during 11 days of hearings. In October 1964 "Steps Toward Clean Air" was published.

1965: The Subcommittee considered 2 bills, heard 37 witnesses during 7 days of hearings, held 2 Executive Sessions and published 2 Committee reports (S. Rept. 128, 192). During this year the first amendments to the Clean Air Act were passed.

1966: The Subcommittee considered 3 air pollution bills, heard 16 witnesses during 5 days of hearings, held 2 Executive Sessions and published one report (S. Rept. 1361). The Clean Air Act was further amended.

1967: 3 bills were considered. The Subcommittee heard from 113 witnesses during a total of 23 days of hearings—5 days of these were held jointly with the Commerce Committee. 2 Executive Sessions were held and one report (S. Rept. 403) was published. The Air Quality Act was passed.

1968: The Subcommittee considered one bill (S. 3031) and held 2 days of joint hearings on external combustion engines with the Commerce Committee with 12 witnesses testifying.

1969: This year was spent on oil pollution legislation. No hearings or Executive Sessions. Section 104 of the Clean Air Act was extended and S. 3229 proposed.

1970: This year the Subcommittee has heard a total of 51 witnesses during 12 days of hearings—3 of which were joint hearings with the Commerce Committee.

#### ENVIRONMENTAL LEGISLATION

##### WATER POLLUTION

1965: Water Quality Act (P.L. 89-234): Enunciated a national policy of water quality enhancement; established the Federal Water Pollution Control Administration and the water quality standards program.

1966: Clean Waters Restoration Act (P.L. 89-753): Authorized \$3.4 billion in Federal Grants (including incentives) for construction of municipal waste treatment facilities and eliminated limitations on grants which restricted participation by major cities.

1970: Water Quality Improvement Act (P.L. 91-224): Strengthens Federal authority to deal with oil pollution, sewage discharges from vessels, and pollution from Federal and Federally-related activities. Title II establishes an Office of Environmental Quality in the Executive Office of the President to staff the Council on Environmental Quality (signed into law April 3, 1970).

\*S. 2393: The Marine Resources Preservation Act: Authorizes the Interior Secretary to recommend the creation of marine preserves and prohibits the development or removal of any minerals, including gas or oil, from such preserves.

\*S. 3516: The Santa Barbara Channel Preservation Act: Authorizes acquisition by the Federal Government of all oil leases in the Channel, provides for the removal of drilling platforms and setting aside of the mineral reserves to be tapped only in a national emergency.

\*3687: The National Water Quality Standards Act: Authorizes \$2.5 billion per year in Federal construction grants for waste treatment facilities over the next five years; extends the water quality standards program to all navigable waters; requires that enforceable effluent standards and compliance schedules be included in any standards implementation plan and that all new industrial facilities using navigable waters use the best available pollution control technology; and permits class suits against alleged violators of standards.

\*3688: The Clean Water Commitment Act: Represents proposals which the U.S. Conference of Mayors and the National League of Cities believe necessary to stimulate construction of waste treatment facilities at the local level; enunciates a national commitment for financing of expanded water pollution programs and encourages better coordination in the development of clean water programs.

##### AIR POLLUTION

1963: Clean Air Act (P.L. 88-206): Authorized Federal research and technical assistance to the States, matching grants to state, regional and local agencies for the creation or improvement of regulatory control programs. Federal enforcement program.

1965: Clean Air Act Amendments (P.L. 89-272): Provided Secretary of HEW with authority to establish standards for automobile exhaust emissions.

1966: Clean Air Act Amendments (P.L. 89-675): Provided for grants to the states to maintain effective air pollution program.

1967: Air Quality Act (P.L. 90-148): Enunciated a national policy of air quality enhancement; provided for designation of air quality control regions and for setting of air quality standards.

1969: Clean Air Act Amendments (P.L. 91-137): Extended the authorization for research on low-emission fuel and vehicles, Sec. 104 of the Clean Air Act, for one year. \$45 million was authorized for this purpose.

\*S. 3229: Air Quality Improvement Act: Authorizes the Secretary of HEW to set national emission standards for new and used vehicles which move in interstate commerce, including aircraft, vessels, and engines; authorizes low-emission vehicle research and establishes an Office of Noise Pollution Abatement and Control in HEW.

\*S. 3072: The Federal Low-Emission Vehicle Procurement Act: Requires that the Federal Government purchase certified low-emission vehicles for its own use.

\*S. 3546: The Air Quality Standards Act: Accelerates the implementation of the 1967 Air Quality standards program by requiring that states set and enforce standards for all areas of a state not covered by Federally-designated air quality regions; provides for citizen suits to enforce air quality standards and for new enforcement authority.

##### SOLID WASTE DISPOSAL

1965: Solid Waste Disposal Act (P.L. 89-272): Authorized matching grant program for research, development and demonstration of improved methods of disposing of solid waste.

1968: (P.L. 90-574): Extended the Solid Waste Disposal Act to allow the Ellissen study on solid waste management to be completed.

\*S. 2005: Resource Recovery Act: Provides for financial assistance to the States in the construction of solid waste disposal facilities and directs Secretary of HEW to carry out research into new and improved methods to recover, recycle and reuse wastes.

##### OTHER LEGISLATION

\*S. 3042: Provides for an evaluation of the environmental effects of underground nuclear testing.

\*S. 2752: The Intergovernmental Power Coordination and Environmental Protection Act: Provides for effective public participation in site selection for bulk power facilities and requires that proposed facilities meet environmental and other standards in order to be licensed for construction or operation.

S. 3410: The National Environmental Laboratories Act: Sets up a system of laboratories throughout the country to evaluate the potential effects of new technologies.

\*S. 3677: The Environmental Quality Administration Act: Sets up an independent,

watchdog agency to develop and enforce Federal environmental quality standards, support research, and provide technical aid to various government agencies.

\*S.J. Res. 89: Provides increased support for ecological research in the International Biological Program.

\*S. Res. 78: Proposes setting up a select Senate Committee on Technology and the Human Environment.

\*S. Res. 179: Expresses the sense of the Senate that the United States should actively participate in the 1972 United Nations Conference on the Human Environment.

#### FORMER GOVERNOR MCKELDIN'S ADDRESS IN DENVER, COLO., ON LAW DAY, 1970

Mr. ALLOTT. Mr. President, the Denver Bar Association and the Citizens' Law Day Committee in 1970 observed Law Day U.S.A. on May 1 with various activities.

A highlight of the event was an address by the Honorable Theodore R. McKeldin, the former Governor of Maryland and Mayor of Baltimore.

I should like to call Governor McKeldin's address to the attention of my colleagues, and I ask unanimous consent that the text of his remarks be printed in the RECORD at this point.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

##### ADDRESS OF THEODORE R. MCKELDIN

"Let reverence for the laws be breathed by every American mother to the lisping babe that prattles on her lap, let it be taught in schools, in seminaries and in colleges; let it be written in primers, spelling books and in almanacs; let it be preached from the pulpit, proclaimed in legislative halls and enforced in courts of justice. And, in short, let it become the political religion of the nation and let the old and the young, the rich and the poor, the brave and the gay of all sexes and tongues and colors and conditions, sacrifice unceasingly upon its altars."

So, in 1838, spoke Abraham Lincoln, then aged 29, to an audience of young men in Springfield, Illinois, and who is rash enough to deny that he was right?

"The world has never had a good definition of the word liberty, and the American people, just now, are much in want of one."

So, in 1864, spoke Abraham Lincoln, then aged 55, to the Sanitary Fair, ancestor of the Red Cross, in Baltimore. Again, who is rash enough to deny that he was right?

He was right then, and he is right today. Indeed, I am tempted to say that neither in 1838, nor in 1864, was he half as right as he is in 1970. I would say it, except that I know that rightness is not something that can be measured with a foot-rule.

Each of those declarations is a plain statement of truth. Yet take them together and you have a statement, not of fact, but of the most baffling problem the American people have been called on to solve, namely, the reconciliation of reverence for law with love of liberty.

We still need a good definition of liberty, but we also need a good definition of reverence, specifically reverence for law. There is no lack of definitions of both, but most of them are partly and some of them blatantly false. For instance, Simon Legree, the infamous overseer in "Uncle Tom's Cabin," defined reverence for law as reverence for the blacksnake whip with which he lashed the slaves to their daily tasks.

Old Simon Legree is dead and gone, thank God, although sometimes I think I see his ghost stalking our streets, and even sneaking

\*Under consideration.



into the offices of high officials and into legislative chambers. But at least he is no longer a part of our professed creed, only a relic of ancient superstition, like fear of black cats and of the evil eye.

Very much alive, however, and visible—all too visible—in broad daylight are people who are giving to liberty a definition as monstrous as Legree's definition of reverence. Different people give them various names, "yuppies," "hippies," "far outs," plain "nuts," and others, but you know the class I mean. I am not referring to mere eccentricity. If a man or woman chooses to dress in fantastic fashion, it is no concern of mine, as long as it does not involve indecent exposure. If people entertain what to me are eccentric ideas, that, again, is no concern of mine. It is not until this liberty begins to restrict mine that I have a right to object.

If a man finds himself alienated from society, he may have reasons that I must respect, even though I do not understand them; but if he is alienated from soap, he becomes an offense to the nostrils, which is no man's right. If a man disbelieves what I take to be truth, I may disapprove, but I may not distrust him. But if he assumes to forbid me to learn what I wish to know, or to believe what I choose to believe, then it becomes my right and my duty to assist in throwing him into the calaboose with what the Supreme Court calls "all deliberate speed."

I believe in the right of public demonstrations of approval or disapproval. I believe that "the right of the people peaceably to assemble and petition the Government for a redress of grievances" cannot lawfully be abridged, by the police, by the courts, by the Congress, or by the President. But the key word in that guarantee is "peaceably". Shouting through a bull-horn is not peaceable. Obscene or opprobrious language is not peaceable. Squawk and squalls and shrieks intended not to refute but to drown out a speaker's argument, are not peaceable.

In any public place acts, language, even gestures intended to provoke a breach of the peace are disorderly conduct, which is a misdemeanor, punishable by fine, or imprisonment, or both. When people undertake to suppress other people's liberty are themselves suppressed, liberty is not infringed, it is defended.

This is, I believe, sound theory, but when it comes to practice we run into that troublesome old maxim, "circumstances alter cases". Cool reason is just about the most fragile thing on earth. One touch of passion shatters it and often, much too often, the passion is due not to anything present, but to remembrance of things past which we call prejudice. To adapt an old adage, when prejudice and passion come in at the door, justice flies out of the window. There is nothing specifically American about this. It applies to all nations, for it is a law of human nature.

But has it occurred to you that civilization is merely an effort to repeal those laws of human nature that make for anarchy? It is a law of human nature to wish to hit the person who angers you, but civilized people seldom do it. A higher law takes precedence, and it is not merely a police measure, it is an effect of centuries of civilized living.

A little less than two centuries ago this republic was founded for the specific purpose of repealing what had until then been regarded as a law of human nature, namely, the proposition that a herd of men can no more govern themselves than a herd of sheep. The proposition had been challenged before, but never with more than a momentary success. We have managed to make our challenge work tolerably well for nearly two hundred years, which made Lincoln call our nation, even when it seemed about to collapse, "the last, best hope of earth".

We have given the world proof that self-government by free men in an imperfect, but

workable form, can be maintained for as much as two hundred years. That proof is the greatest gift that America has given or can give to the rest of mankind, for on the success of our experiment all their hope depends. If we now permit internal rivalries, dissensions and hatreds to defeat that experiment, we shall do more than bring ruin on ourselves, we shall also defeat the last, best hope of earth. Some sort of organization called a nation might survive, but the great republic would end as a wreck cast into the dust-bin of history.

Anarchy obviously would defeat the dream, but a police state would defeat it even more completely. Any division of our people into castes and classes would defeat it, and it matters not at all how the lines were drawn, whether racially, religiously, economically or in any other way that would divide Americans into first, second, and third class citizens. There are forces, as there have always been, drawing us toward that catastrophe, and to resist those forces is a double duty—one to our forefathers who pledged their, and our, lives, fortunes and sacred honor to the success of the experiment. The other is to our sons to the *nth* generation, that we shall not destroy their chance to kindle the world's spark of hope into a blaze, lighting it toward that day when, in the words of the Prophet of Israel, "nation shall not lift up sword against nation, neither shall they learn war any more".

But to achieve it we, and I have in mind especially the rising generation, must surmount this crisis, which can be done only by the exercise of both intelligence and tolerance. We must neglect no possible source of power, however fantastic it may appear.

The hippies and yuppies, the raving students, the black extremists, have displayed an energy that, because it is so often aimless and fruitless, has created an alarm that threatens to mount into panic. But I maintain that the situation would be far more alarming if these young people had gone to the other extreme by sinking into dull apathy. Senseless activity is dangerous, but not as dangerous as no activity at all. Are we of the older generation so morally blind, so spiritually dull, that we think there is no injustice, no oppression, no stupidity in our world? Are we grown so stolid that we think injustice should not provoke wrath, that oppression should not be resisted, that stupidity should not be lashed with scorn? If we have come to that pass, then the real reason for alarm is not turbulent youth, but doddering age.

I do not believe it. I believe that with no more than average intelligence, no more than reasonable tolerance, we can harness this energy that is now running wild and apply it to the task of lifting this nation to a moral and intellectual level higher than it has ever reached hitherto. It is probable that it would also increase our wealth and physical power, but that is less important than making our nation so valuable to the rest of the world that none would wish to destroy it, and that would be national security indeed.

Knowing full well how stressful are the times, dismayed as I am by riots, and revolts, and wild threatenings, I am yet steadfast in the faith that we shall yet find a clearer definition of reverence, and a sharper definition of liberty than Lincoln knew; and with their aid we shall give the world a larger pattern of government than he drew.

Have I the audacity to suggest that we should think ourselves capable of surpassing the vision of Lincoln? I have. A dwarf can see farther than a giant, if the dwarf stands on the giant's shoulders, as we stand on Lincoln's. The final proof of the greatness of a great man is that he lifts succeeding generations to a level at which the range of their vision exceeds his own. If we can see no further into the problem of good government than Lincoln saw, it is because we have fallen

off his shoulders and are groveling on the ground.

Sometimes, no doubt, we have done just that. But I hope and believe that we have always climbed back to the height he made it possible for us to reach. That is why I remain an optimist, even in these times that are too confusing for me to understand. That is why I hope and believe that we may share the feeling of those two old heroes of the first crisis of the republic, Thomas Jefferson and John Adams. We, too, may say, as Jefferson wrote to Adams, "Laboring always at the same oar, with some wave ever ahead, threatening to overwhelm us, and yet passing harmless under our bark, we knew not how we rode through the storm with heart and hand, and made a happy port."

#### ADDITIONAL STATEMENTS OF SENATORS

##### WE LOSE A GREAT LEADER

Mr. MCINTYRE. Mr. President, I was saddened to learn today that Speaker of the House JOHN MCCORMACK will not return at the end of this term.

For more than 40 years, JOHN MCCORMACK has served the Nation with devotion, integrity, and wisdom. First as a Representative from his home district in Massachusetts and for the past 8 years as Speaker of the House, he has been a major participant in some of the most important decisions ever made by the Nation.

While I regret his decision to leave the Halls of Congress, I know, too, that his retirement will give him the rest and the leisure he has so richly earned. With his friends in Boston and at his summer home in Laconia, N.H., I am certain that JOHN MCCORMACK will find the ease he has forgone for so many years in his selfless service to his country.

His leadership will be missed by Congress and by the Nation. I wish him the very best in the years ahead.

##### RICHARD F. CLEVELAND, PUBLIC SERVANT

Mr. MATHIAS. Mr. President, one of the most serious illnesses that affects Americans is the disease called Potomac fever. It might just as well be called Severn fever, Hudson fever, or Sacramento fever. It is a kind of disease which makes people believe that they have to live lives of public service and that public service can be accomplished only through holding public jobs—sometimes elective jobs or sometimes appointive jobs—a member of the President's Cabinet, a high official of State government, or perhaps a member of the cabinet of the mayor of a large city.

For some reason, we seem to think that public service is the same thing as public employment. But happily, this is a disease of the imagination. This is a disease which really does not have to exist because many Americans—in fact, the great majority of Americans—make enormous contributions to America without ever having received a dollar in public pay and without ever having served a day as an official of government. One American who illustrates this point is a Marylander named Richard Cleveland.

Richard Cleveland has spent a lifetime

of public service, but he has done it as a private individual. He has been a trustee of several educational institutions, and his own broad experience as a lawyer and as a newspaperman has contributed to the institutions that he served. He has exerted leadership in the Maryland community through being willing to take on the thankless jobs that are involved in defending the defenseless and in raising funds for public purposes such as the Community Chest. He has generated in others a spirit of public interest and of public assistance because of his leadership in this work. He has, as a private citizen, been active in the political spheres of Maryland life.

He grew up with a Democratic Party heritage, but he has exercised the highest duties of citizenship by choosing carefully the candidates that he would support. One of the early candidates for whom he campaigned was Maryland's Gov. Albert C. Ritchie, a contender for the 1932 Democratic presidential nomination. Later he viewed the needs of the country as he saw them and gave his total support for the presidential candidacy of Republican Wendell Willkie. Throughout his life he has made these decisions as a citizen, and he has led others to make the same hard choice between what was, perhaps, the easy, convenient, or even comfortable way and the hard personal decision which was dictated by the requirements of the times.

We are grateful to Richard Cleveland for a lifetime of public service, for service as a lawyer, and as an advocate of justice for all our people. Richard Cleveland is a leading citizen because he has been a leader of citizens, and we are all grateful. But in citing his example, I think we ought to express gratitude to all those millions of Americans who through quiet lives of public service are the real leaders of this country.

A testimonial dinner was held in Baltimore last night to honor Richard Cleveland and to mark his retirement from the active practice of law. During the evening, John H. Finley, Jr., a distinguished member of the faculty of Harvard University, spoke in appreciation of their lifetime friendships. I ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY JOHN H. FINDLEY, JR.

Richard my dear friend; Babs; assorted Cleverlands; Richard's many friends and fellow admirers: What a pleasure, but what a daunting pleasure, to be and, as friend, to belong here but not as Baltimorean—like the old Cape Codder whose obituary said, "Though not a native, he was brought here in his mother's arms." Indeed I was brought in just that way to feeling for Richard and cannot imagine my life without his clear figure slightly ahead along the road. When we were at school his brother Francis once said: "We'll go to New Hampshire and find our souls hanging in the closet a little stiff beside our khaki trousers." What ladies do with their souls in off-seasons is, like most other things about them, somewhat unclear. They are presumably less careless about private belongings. But as for me and for most men, I imagine, the great figures just ahead at school and college remain the indelible

heroes. One, of course, likes and admires many people that one meets in middle life, but few of them, so to speak, fought at Troy in the youth of time with Achilles and Hector or sat at the Round Table with Sir Lancelot and Sir Gawain.

Mr. Cleveland died when I was four, but I took for granted the photographs of Richard with his father, with gun or dog or fishingrod or in a boat or just man and boy together—happiest companions, as their unconscious ease and simple attitude of trust made clear. One never thought to wonder what it was like to be cast from earliest youth in the role of heir apparent, so fully did he fit it and always has. Exeter and Princeton yearbooks (how well one knew such books from times just ahead, though not from times after, when the glory had departed from the earth) showed him as handsome athlete and chief figure. One heard distantly of his famous assault on the Princeton club-system (which nowadays girls carry forward with wily lightness at Princeton); when he was a Marine in the First War, my sister would bleach his khakis to the impeccable shade; in Law School he would find time to cheer a somewhat lost Harvard freshman; in the early days of radio we listened over crackling ear-phones to his speech in the Democratic Convention seconding Governor Ritchie.

But I remember most feelingly pre-dawn fishing expeditions in an old car (it might have been a Maxwell), he driving, with our worms and sneakers—we were innocent of flies and waders in those untaught days. O green of youth. My point is how sparkling the green was with Richard as example, and how inviting the world in which, though few would be or his stature, one wanted to come as near as possible.

American society is shaped like a lobster-pot; a man can go forward but at the apex finds it hard to know where to go. One need hardly recall Mr. Cleveland's astonishing rise; how in his thoroughly unpolitical middle life he was persuaded to run for Sheriff of Buffalo in the clean-up campaign of a friend as Mayor; how the friend died and he succeeded to the Mayoralty; how while Mayor he was elected Governor; and while Governor was elected President—from Sheriff to President in about six years. But what must have remained for him a standing surprise became the received fact, and Richard was born on an elevation that his father in youth never dreamed of.

What the world gives, the ancient Stoics said, is not in our control; we control only the use of our thoughts. In prospect of this evening, I have kept seeing Richard's incomparably beautiful mother—a presiding goddess of our earlier years—weeding her garden. It is not now—no garden easily could be—what she kept making it; the weeds creep back. But her parents and Mr. Cleveland's parents clearly believed that weeds—I mean actually and figuratively—do not belong in gardens, and from his parents Richard in turn has so believed. If he had been born unknown like his father, he might have had a better chance of becoming President than he in fact has had. The world is not ours to control; it is keeping the weeds out that is ours. Not that the world is largely weeds—though a certain voice from Maryland seems to discover a good many—but that the weeds that in youth our parents by word or example bade us discard set the standards of our lives.

At the best, like Richard and his father and his parson grandfather for whom he is named, a man is quite simply who he is. Either, like his grandfather, he becomes president of his obscure flock, or, like his father, President of the United States; or, like Richard, president of the hearts and minds of all of us here and of a far greater circle outward.

These poor words, old friend, are a little circular, like the small-town telephone cen-

tral in the old days who kept being called by a man for the right time. Finally she asked "Why do you keep wanting to know the right time?" "Oh," he said, "I'm the man who blows the noon whistle and it has to be on time." "It is," she said, "I always set my clock by the noon whistle." But life is pretty circular after all. What can one live by but the beauty of nature, the example of extraordinary people, and one's fond and grateful admiration for them—who in their turn felt all this for the beautiful world that they knew and for admirable people before them? I omit all that you have been in Baltimore, but everyone here knows that. Thank you, dear Richard, for having been for me the bright star ahead that your father was for my father, though in later years. I have been the luckier because the light has lasted me all my life.

#### THE LUDICROUS MR. KY

Mr. EAGLETON. Mr. President, the flamboyant and bellicose Vice President of South Vietnam, Gen. Nguyen Cao Ky, has been very active in the past several days. At a press conference yesterday, Ky:

Ridiculed the President of the United States;

Declared, in effect, that Vietnamization was a complete and total success; and

Envisioned the formation of an Asian anti-Communist front consisting of Vietnam.

Today, at the National Defense College in South Vietnam, Ky said South Vietnamese troops will stay in Cambodia "as long as the Communists fight there."

President Nixon stated in his May 9 press conference:

I would expect that the South Vietnamese would come out of Cambodia approximately at the same time that we do because when we come out, our logistical support and air support will also come out with them.

This was "a silly argument of silly people," according to General Ky yesterday.

Further, according to a dispatch from Robert G. Kaiser, of the Washington Post, Ky asserted that the South Vietnamese forces have the capability to fight in Cambodia and in Vietnam simultaneously.

If the South Vietnamese can do that, by themselves, then we must deduce that Vietnamization already is a success. Then why should we not immediately set a rapid and accelerated timetable for withdrawal?

And now Ky speaks, in effect, of Vietnamizing Cambodia, as well, despite apparent growing resistance to such a move from the Cambodian Government.

What are South Vietnamese troops fighting for in Cambodia? The survival of an anti-Communist regime, said Ky. "The Cambodian operation offers us an opportunity to form an anti-Communist front consisting of Cambodia, Thailand, Laos and South Vietnam," he said at his press conference.

Are we now going to be asked to foot the bill while the South Vietnamese attempt to do in Laos and Cambodia what they have failed to do in their own country? Has Ky sold this idea to the visionaries planning U.S. foreign policy? God help us if he has.



If men were not fighting and dying, if the United States were not being torn apart internally, Ky would be no more than a ludicrous figure from a Gilbert and Sullivan opera. But men are dying, and there is a crisis in the United States.

Mr. President, I ask unanimous consent that Mr. Kaiser's dispatch containing General Ky's statements be printed in the RECORD. I also ask unanimous consent that a UPI dispatch from Saigon dated May 21 be printed in the RECORD. They reflect better than any speech could the type of regime we have protected at a cost of almost 50,000 American dead, hundreds of thousands of casualties, \$125 billion, and untold domestic divisiveness.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

KY RIDICULES JOINT PULLOUT TALK AS SILLY  
(By Robert G. Kaiser)

SAIGON.—Vice President Nguyen Cao Ky this morning ridiculed the notion that South Vietnamese troops would withdraw from Cambodia when American forces do as "a silly argument of silly people."

Ky declared that "we will not let anybody tie our hands" to prevent continued prosecution by South Vietnam of the war in Cambodia. He said the South Vietnamese forces had the capabilities to fight on the Cambodian front and in Vietnam simultaneously.

Ky's remarks, delivered at graduation ceremonies of the Vietnamese War College in Saigon, were the toughest yet heard from a senior Vietnamese official on the increasingly sensitive subject of South Vietnamese operations in Cambodia after June 30.

It appears that the South Vietnamese government is determined to continue those operations after President Nixon's deadline for the withdrawal of American troops from the Cambodian front.

#### NIXON'S STATEMENT

[When President Nixon announced May 9 that "all Americans of all kinds, including advisers, will be out of Cambodia by the end of June," he was asked whether the South Vietnamese would abide by the same deadline. He answered: "No, they do not. I would expect that the South Vietnamese would come out approximately at the same time that we do because when we come out, our logistical support and air support will also come out with them."

[Last Saturday, White House officials in Key Biscayne said they had every reason to believe the South Vietnamese forces would withdraw from Cambodia on approximately the same timetable as U.S. forces.]

Such determination to flout the wishes of the United States has been seen here before, but this time it appears to be more serious than previously.

#### DECISIVE OFFENSIVE

Ky said this morning that the offensive against Vietcong sanctuaries in Cambodia would be decisive in the war. With the sanctuaries destroyed, he said, the Communists will have just two choices: They can return to underground guerrilla tactics, which will mean that the war will fade away, or they can engage in serious negotiations.

Ky saw other benefits from the new offensive: "The Cambodian operation offers us an opportunity to form an anti-Communist front consisting of Cambodia, Thailand, Laos and South Vietnam. Its formation would guarantee the security of all of Southeast Asia," he said.

Whether President Thieu would use such harsh language as Ky's "silly people" remark in this context is doubtful. But the Thieu-Ky relationship sometimes resembles the Nixon-Agnew relationship: the vice presi-

dent here, as in the United States often does the President's tough talking, though Thieu's language on the issue has been more restrained, he has also said there is "no deadline" for his forces in Cambodia.

[Wednesday, Lt. Gen. Do Cao Tri, commander of South Vietnamese troops operating east of the Mekong River in Cambodia was asked about reports from Washington that a South Vietnamese withdrawal would be linked with the U.S. pullout, according to news dispatches.

"I have not heard that from the Vietnamese side," he said, adding that the Saigon troops "are not under any restrictions, like U.S. forces, unless President Thieu orders us back to our territory."

[Asked how long South Vietnamese troops might remain in Cambodia, Tri replied: "That depends on the enemy. Our objectives are purely tactical. We have gone only where the enemy had bases, unless he tried to evade us. Then we pursued him."]

SAIGON.—Vice President Nguyen Cao Ky said today South Vietnamese troops will stay in Cambodia "as long as the Communists fight there."

Ky told a graduating class at the National Defense College the removal of American troops as promised by President Nixon would not affect the South Vietnamese intention to continue operations in Cambodia.

"You will see the presence of our troops as long as the Communists fight there," he said. "As long as it is necessary for us to maintain our entity, we will continue to maintain the presence of our troops."

#### A CHANCE FOR CHANGE

Mr. HARTKE. Mr. President, at this most crucial juncture in our history, all Americans must seriously reflect on what they might do personally to aid the cause of peace. Clearly it is not enough to sit and decry the events which have brought us to this fateful period. Nor will it suffice to refuse to listen to those with whom we disagree. Rather, it is incumbent on us all to search out positive ways by which we can aid in the effort to end the present divisiveness which pits parent against child, black against white, worker against protester, and ultimately, I fear, the people against their leaders.

All this conflict, all this division, can be traced in logical fashion to our nightmarish involvement in the affairs of Indochina. If our wounds are to be bound up, it is incumbent on the Senate to act in the most purposeful manner.

We are now engaged in a debate which very well could determine the relationship between Congress and the Executive for years to come. More important, however, our discussion holds out the considerable hope to the people of this land that they are not now powerless to influence the course of our foreign involvements. In short, the Members of this body, acting on behalf of our profoundly troubled constituencies, have it within our power to influence dramatically the course of events in Indochina. It is my fervent hope that we will seize this opportunity to demonstrate that substantial change can still be worked within, rather than without, our political system.

A column written by Mr. Anthony Lewis for last Sunday's New York Times sets out most incisively what I believe to be the predominant mood in our country. It highlights in unique fashion the importance of the amendment which we are now considering. I ask unanimous con-

sent that the column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

#### PRIDE, PREJUDICE AND PERSUASION (By Anthony Lewis)

LONDON, May 15.—In one of the great Supreme Court opinions on freedom of speech, Mr. Justice Brandeis wrote that those who won America's independence thought "the deliberative forces should prevail over the arbitrary" in society. They wrote into the Constitution what they thought would be "the path of safety" for the Republic: "The opportunity to discuss freely supposed grievances and proposed remedies." They believed in "the power of reason as applied through public discussion."

But the democratic theory of free speech as a corrective for official error and a safety valve for public resentment cannot work when people get the idea that no one is listening. And that feeling, if one can judge from a distance, is a dangerous element now in American opinion.

#### LETTERS FROM HOME

A law student at the University of Pennsylvania writes to a friend abroad that he should be able to think rationally about Government policy and express reasoned criticism. But "I have lost this ability—I can only scream at the excesses and moan at the hypocrisy. If you can offer me any reason not to give up this Government for lost, I implore you to tell me what it is."

Or, from a woman in Flushing, N. Y.: "What should people do who sincerely believe in the American heritage of reform and checks on arbitrary power? Most such Americans detest violence, but also detest silence and inaction. All protests against arbitrary power have proved ineffectual."

And from a man in Allentown, Pa.: "I am sitting around watching my wonderful country be torn apart and feeling powerless to do anything about it."

#### THE DESPAIRING NOTE

Powerlessness. That must be a widespread feeling. Certainly it is a consistent despairing note among Americans who come to Europe these days and try to explain to their English or French or German friends what has gone wrong.

For on the face of things Americans might well believe that nothing they say can affect the course of policy in the most ill-conceived, disastrous foreign adventure in our history. No election, no protest, no reasoned argument, no lesson from experience seems to alter the central fact of American policy in the Indochinese war. That is our commitment to the Thieu-Ky Government in Saigon.

President Nixon may go down to the Lincoln Memorial in the early morning and soliloquize to a group of students about college life. He may redefine the limits of his Cambodian invasion to make it seem more acceptable to American opinion.

But a week later the South Vietnamese generals are talking about indefinite operations in Cambodia. The same men who have drawn us into an endless war on their behalf—men whose power rests entirely on American money and American blood—now confidently assume that we will support them in a new theater. It is in that light that the issue now before the Senate, the proposed mild restriction on American war-making in Cambodia, has to be seen.

The significance of the Senate proposal does not lie so much in the constitutional question of the President's power, which it cannot resolve. It lies, rather, in offering critics of the war some hope of change through the political process. For there would at least be hope; the President could

not altogether ignore the feelings reflected in a Senate vote.

What the Senate can do, then, is to show that the system is still open to persuasion. It can prove wrong those who say that violence and revolution are the only answers. It can renew confidence in the power of reason. Or, to put it more modestly and more accurately, it can begin to do those things.

The picture of the United States as a country where minds are almost closed to persuasion is not one held only by frustrated American critics of the war. A sense that the political process is not working underlies the deep fear for America now felt, for example, by many leading British politicians.

"We depend so much on the United States," one man said the other day. "Not only in economic and defense but so much more broadly, in politics. We need your leadership. And now the basis of that leadership, the whole relationship between your Government and your people, seems to be falling apart. There is a dialogue of the desperate and the deaf."

#### TO RENEW CONFIDENCE

The comment came not from the trendy left but from one of the most solid figures in British political life. That is not surprising, for he and others like him care about the United States, indeed love it. They are afraid when they see the politics reduced to mutual invective, hate and violence.

The democratic process is not dead in the United States—far from it, as the reaction to the Cambodian invasion showed. But frustration has put it under terrible strain. By insisting now on a voice in policy, the Senate can begin to ease the frustration and renew confidence inside and outside the country.

#### CONGRESSIONAL POLITICS LEADS TO FEDERAL DEFICIT

Mr. GOLDWATER, Mr. President, last winter Republican Senators took to the floor of the Senate day after day in an attempt to stem the tide of chopping, hacking, slashing giveaways rushed through Congress during the course of the tax debate.

We were unsuccessful.

Congress finally enacted a tax package which guaranteed that President Nixon's promised budget surplus would be wiped out, and another deficit presented to the Nation in its place.

On May 19, President Nixon took note of the results of last year's tax debacle. He said in perfect truth and candor:

It should be noted that the deficit now projected for fiscal 1971 would have been more than covered by the amount of revenues the Congress chose to eliminate from my recommendations for the Tax Reform Act of 1969.

But the majority of Congress chose to do otherwise. The result is that we now face a deficit of \$1.3 billion instead of a surplus of \$1.3 billion.

This morning, the editorial page of the Washington Post took note of the deficit, its true causes, and on whom the responsibility must fall.

They lay the blame not upon President Nixon, but squarely on Congress.

Mr. President, I ask unanimous consent that the editorial, entitled "A Tax-Cutting Spree Ends in Red Ink," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

#### A TAX-CUTTING SPREE ENDS IN RED INK

The red ink which Budget Director Mayo has finally acknowledged to be showing at the Treasury for fiscal 1970 and 1971, and possible 1972, is directly attributed to reduced revenues from corporations and a \$3 billion increase in expenditures. Higher government pay and interest costs and bulges in welfare payments, farm supports and unemployment benefits turned a paper-thin budgetary surplus into a small deficit. But the basic cause of the embarrassing predicament in which the government now finds itself was the tax-cutting spree in which Congress indulged last December.

At the time the tax plums handed out to sweeten an essential tax-reform measure were defended on the ground that the administration could still balance its budget. In a government as big and as complex as ours, however, some allowance must always be made for unexpected outlays. By shaving the prospective surplus down almost to the vanishing point, Congress threw prudence to the winds. There are many indications that other unforeseen expenditures will be added before the present session is over, and the deficits now in prospect may be further increased.

The outlook will be changed but little if Congress enacts the President's proposed tax on lead additives to gasoline. This measure designed to raise \$1.6 billion is an anti-pollution tax, not an anti-inflation tax. The President has indicated that he will not hesitate to ask for tax increases next January if government spending exceeds the "potential yield" of the present tax system. But Congress is likely to be extremely reluctant to pass any new taxes at that time, especially if the economy is still coasting along in low gear and unemployment has substantially increased.

Ordinarily a small deficit would not be meaningful in a total budget of nearly \$200 billion. This slippage into red ink comes, however, at a time when inflation resulting largely from the whopping deficits of the late sixties is still running strong. Surpluses were needed to convince the country that the government has at last put its house in order. When Congress is unwilling to face the necessity of matching its expenditures with revenue, industry and labor have a ready excuse for the assumption that inflation is ineradicably built into our system.

It would be futile, of course, to talk now of reversing what was done last December by way of tax reductions. The new law is on the books, and the country must go from there. But it is unmistakably clear that more revenue is needed to relieve many of our social problems, even if the venture into Cambodia can be terminated without substantial increases in spending for the war. And whatever course may be taken to obtain this revenue will be infinitely more difficult than it would have been to keep the taxes we had last year, with adjustments only in the interest of equity.

There will be no easy "out" for Congress if the economy should be so slack next January that new taxes would not be advisable in any circumstances. If a recession should be in full swing and if the price-wage spiral should still be moving upward, the country might well be faced with the drastic question of adopting controls. No doubt everyone hopes that that problem will not arise, but the risk has been notably increased by the congressional decision to keep the Treasury so close to the red ink bottle.

#### YOUTH AND THE FORGOTTEN PROMISE—ADDRESS BY SENATOR GRAVEL

Mr. CRANSTON, Mr. President, it has come to my attention that the distinguished Senator from Alaska (Mr. GRAVEL), delivered an address at the

California Town Hall meeting in Long Beach last week. His subject was "Youth and the Forgotten Promise."

Since his topic is so timely and the contents of his remarks of such special interest, I feel they should be shared more widely.

I ask unanimous consent that the address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

#### YOUTH AND THE FORGOTTEN PROMISE (Address by U.S. Senator MIKE GRAVEL)

##### I. INTRODUCTION

I would like to approach my subject in three ways: Youth and the Vietnam war; Youth and the Nixon administration; and a proposal for youth.

I'm aware of the complexity of the topic and the difficulty in generalizing about it. But I am even more aware of the need to understand what is going on with youth and to heed the signals that we are being given. My remarks are not to youth or for youth but about youth.

We still look without seeing and we listen without hearing. I deeply believe that we in established power positions in government, in business, in academics, in parenthood—miss, at our peril, the messages that youth are putting forward. Especially since I believe youth has something right and relevant to say. Let me explain.

##### II. YOUTH AND VIETNAM

There is a great deal more to the opposition of youth to the government's prosecution of the Vietnam war than the obvious (and correct) fact that it is their generation and not ours that makes up most of the casualties in the fighting. At least three central themes recur again and again.

First, despite the occasional cases to the contrary, the youth of today are essentially peaceful and constructive, socially aware and activist, and are committed to making their idealism a living, vital force and not a facade.

Appalled by violence, they do not thrill to the Teddy Roosevelt view of the U.S. in world affairs. They see the wholesale killing of Vietnamese—combatants and innocents alike—as purposeless and insane. They are drawn to making the "live and let live" philosophy a reality.

In short they have seen through the absurdity of the tortured rationalizations for the Vietnam war.

Youth feels that the U.S. has no essential national interest in Southeast Asia.

At least not an interest worth 42,000 Americans; 106,000 South Vietnamese; and 630,000 enemy dead.

In the face of this, the President's decision to expand the war into Cambodia has brought a predictably severe reaction on the part of youth, as dramatized principally on campuses. The depth of the frustration of youth on this issue has been dangerously underestimated.

We must remember that while those of us who are inside the orthodox institutional power structure have some orthodox outlets for being felt on this great issue, the youth who are neither convinced of the worthiness of these institutions nor their capacity for change see their alternatives for venting their outrage as very narrow indeed.

Parenthetically it is interesting to note that if we had a parliamentary form of government along the lines of say, the British, such an issue as the President's recent action on Cambodia would be resolved rather rapidly—and not dragged out until the 1972 elections. There would be an up-and-down vote and the government would, be either sustained or struck down.

Second, they are a new and different generation that, unlike some earlier ones, does not see fraternity parties and the winning of



Saturday afternoon football games as the highest value—nor the U.S. role in the world affairs as an extension of competitive sports.

They don't blindly accept the Agnew image of an America with a "manifest destiny," where "character" is demonstrated by talking tough and acting accordingly in world affairs.

And where loyalty is defined as believing the U.S. Government is always right in time of war and patriots are those who can be the most anti-Communist.

The youth of today want America to be a decent place to live and want government policies to have a basic decency to them. It is on these grounds that the youth of the country are concerned about civil rights, the degradation of the environment—and the war.

In the third place, they are not willing to talk one way and live another. The younger generation has a high regard for honesty and a great distaste for hypocrisy wherever found—in government, in universities, in churches, in parents.

They are skeptical of the vitality of ethics and morality because they see so little of this around them in government, in academics, in business. Youth is aware that the system has some great lies in it, and they're not satisfied to "paper them over" and play "let's pretend."

Even their music deals with the great concepts of peace, equality, love. And these ideas are treated not in the romantic sham of earlier decades, but in direct straightforward fashion. They are more interested in adding life to their years than years to their life.

How tragic it is that this terrible misadventure on the other side of the world in Indochina so completely contradicts youth's great themes of a peace-loving, decent, honest America. Clearly the awful fraudulence that surrounds our role in the Vietnam war is, for youth, enormously disillusioning.

### III. YOUTH AND THE ADMINISTRATION

Two weeks before the 1968 presidential elections, Richard Nixon addressed the Nation in a radio broadcast entitled "Today's Youth: The Great Generation."

His speech focused on the failures of the Johnson administration in its dealings with young America and proceeded to outline Mr. Nixon's solution—a national youth policy designed to bridge and close the generation gap.

Candidate Nixon hit hard on the theme that many young people refused to identify themselves with a society they considered to be impersonal, immoral, and unjust.

He advanced the view that Government and our educational institutions had failed to provide the kind of leadership and direction that challenged the idealism and enthusiasm of youth.

He agreed that many students were frustrated and felt powerless to influence events because the power structures failed to heed their concerns.

However, he reserved his strongest criticism for the failure of the older generation to listen and show respect for the opinions of our young people.

He stated, and I quote,

"... for too few of us really listen to what young people are saying. We defend their right to speak up and dissent, we smile self-righteously at our own tolerance, and then we pay no attention to their message."

Candidate Nixon vilified the Johnson administration by saying, and I quote again, "In the long perspective of history, one of the most crucial failures of the past administration has been the breakdown in communications with the younger generation."

How tragic, in view of his knowledge, that candidate Nixon would so completely disregard his own advice once he had assumed the Presidency.

The promises of a national youth policy, an opening of communications with the young, and a closing of the generation gap have become the empty rhetoric of a presidential candidate.

Instead of lowering our voices and bringing us together, as he had promised, President Nixon has succeeded in gaining the mistrust of more and more young Americans.

By his failure to distinguish the legitimate concerns of a vast majority of young people from the unreasonable demands or the violent manifestations of a small percentage of radical elements, President Nixon has alienated a majority of young America—particularly on our college campuses.

He has badly misjudged the motives of our young people. He has failed to realize that our youth's concern is not prompted by a rejection of the ideals upon which this republic was founded but upon a desire to see those ideals fulfilled.

I believe the first brick in the wall of misunderstanding was laid last fall when President Nixon indicated that he would not be influenced in his Vietnam policy by the voices of dissent.

This wall of misunderstanding has grown higher with the divisive statements of the Vice President.

Mr. Agnew's continuing attacks on student protesters while primarily directed at those who advocate and participate in violent confrontation, nevertheless carried the implication that his criticism applied to all students.

At this point let me state that I abhor violence as much as the President or the Vice President. I do not condone violent tactics regardless of the cause.

Violence only begets further violence, and becomes counterproductive to the cause it seeks to advance. There is no redeeming value in the idea that the only way to build is to destroy.

I do not condone the burning of school buildings and banks, the humiliation of teachers, or the disruption of campuses.

Authority to protect rights, life and property, should be exercised without hesitation. Laws should be enforced not only in business and in government but also in our schools.

However, it is not enough to call out the police and the National Guard. Our goal should be to reunite our citizens and to defuse an already inflammatory domestic crisis.

We certainly cannot regain the confidence of young people and restore their faith in the American system of government by insulting them, talking down to them, shutting them out, and ignoring their views.

The events of the past several weeks have dramatized the gulf that exists between the Nixon administration and the young.

The President's choice of the word "bums" in describing some of our youth was received by most students as a reflection on the total student community.

This was followed by what many considered to be inappropriate remarks by the President on the occasion of the deaths of the four Kent State University students.

In addition, Vice President Agnew indicated that if it wasn't the war, the students would be demonstrating about something else.

Unfortunately, this kind of statement is a direct challenge to the sincerity and motives of our young people and they resent it.

It should be noted that today's young people have grown up in an "electronic world", characterized by accelerated technological development and the rapid dissemination of information.

Consequently, our young people are more aware, better informed, and more mature than generations past.

I am sure of one thing, students will al-

ways be turning from one cause to another; I would be greatly concerned if they were not.

I think young people deserve credit for expressing their views on the vital issues facing this Nation.

I am distressed with the Vice President's implication that America's problems are not the concern of the young.

Against the background of the President's campaign promises, the only visible undertaking of this administration regarding young people is a one-week White House conference on children and youth to be held in mid-December.

President Nixon has discarded the national youth policy he proposed as a candidate; I only hope that he will now heed the advice of his current youth adviser, Mr. Stephen Hess, who advocated a national youth policy in a speech delivered on February 5, 1970.

Mr. Hess stated at that time, "It is clear to those of us who have begun the planning and work for the White House conference on children and youth that there must be a national youth policy, a policy designed to meet the legitimate demands of the young, and use their legitimate talents for the national benefit."

It should be noted that any action even if taken tomorrow, will still come late in the President's second year in office.

I will not confine my criticism to this administration alone for some youth have been similarly irresponsible.

Too often, and to their detriment, some young people engage in irresponsible acts while attempting to achieve a worthy objective.

To deny others the right to speak or to do violence to others and their property is hardly compatible with the goals they seek.

Youth has an obligation to be tolerant, to listen, and to examine subjects in depth.

While young people demonstrated their effectiveness in Senator McCarthy's campaign, their participation in the elective process has for the most part been limited. The unhappy fact is that young people have poor voting records.

In 1968, only 51% of young people under the age of 25 exercised their voting privilege compared with 75% of those in the 45 to 64 age group.

It is obvious that young people have a lot of catching up to do. I would urge them to become more active in politics through the use of their organizational talent.

They should run their own candidates for office and most importantly they should just plain get out and vote.

I would hope that young people would continue to work within the framework of our institutions and understand the "revolutionary" concept that it only takes 51% of the vote to accomplish dramatic and total change.

However, our present dilemma is to find ways for young people to participate within these institutions. And to find vehicles for the expression of their energies.

There are over 39 million young people in the United States between the ages of 14 and 24.

They represent almost a fifth of the total population.

It should be obvious that our ever-increasing and well educated young population should be afforded the chance to participate actively in the solution of our many domestic problems.

Unless we channel their energies, commitment, and involvement to the challenges facing our nation, we will continue to see their efforts dissipated in other directions.

In their impatience, young people tend to measure success or failure by whether their views are accepted today rather than next month or next year.

In talking with young people, I find that they downgrade their accomplishments and

fail to recognize the impact they are having in America today.

#### IV. YOUTH AND A PROPOSAL

I believe in young people. If we have the foresight to let them, I am convinced that they will make enormous contributions. They already have.

If it were not for their criticism and pressures we would not be where we are today in beginning to change our Vietnam policy.

No voluminous research or lengthy studies are necessary to arrive at common sense approaches for involving the youth of this Nation in a whole host of voluntary and channelized efforts.

It is my conviction that this country needs an agency for youth affairs. An agency at the highest level of government.

Certainly there must be room within our representative type of government for one of the largest segments of our population.

I am, therefore, preparing legislation which would establish a youth affairs agency. In developing this measure I would first want to solicit the views of young people as to the role they might envisage for such an agency.

My consultation to date with youth groups indicates that the proposed youth agency should establish communications with every sector of the youth community.

These consultations with youth indicate a similar need for youth agencies or youth advisers within the government structure of each of our 50 states and possibly in many of our cities.

There are many opportunities for young people to have an impact in various areas of our society—such as protecting and cleaning up our environment, working with underprivileged youth, participating in community work, bridging the cultural gap of our disadvantaged by broadening the experiences of art and music, and in other constructive undertakings that young people consider important.

The possibilities for the involvement of youth are limitless.

Most importantly, such a program would insure that the views of youth are heard and translated into activities that provide young people with the opportunity to participate in a meaningful way in our government and our society.

Our youth should be a part of the decision-making process at every turn and at the earliest possible time. To take any other stance in corporations, colleges, government—in all our institutions—is at the very least shortsighted and at the very worst extremely dangerous.

We have the responsibility to make the system respond, not just to satisfy or appease our young people, but in the wisdom that their enthusiasm, energy, and talent will benefit us all.

#### AGRICULTURAL AND OTHER DEVELOPMENTS IN ASIAN NATIONS

Mr. BELLMON. Mr. President, as a participant in the recent meeting of U.S. agricultural attachés in Canberra, Australia, which I was privileged to attend, I was impressed by the wealth of information regarding agricultural and other developments in Asian nations. This meeting proved to be a valuable opportunity for our agricultural attachés to be brought up to date on agricultural development in this country. The address of the Honorable Andrew J. Mair, Deputy Assistant Secretary of Agriculture for International Affairs sums up this information. I ask unanimous consent that this speech be printed in the RECORD.

There being no objection, the speech

was ordered to be printed in the RECORD, as follows:

#### REMARKS BY ANDREW J. MAIR

It is a pleasure for me to be with you in this first year of the 1970's—an anniversary year that has special meaning in the history of Australia. It is also a special privilege to bring you greetings from Assistant Secretary Palmby. He had hoped to attend the conference, but was unable to do so. He joins me in wishing you the greatest success in your efforts on behalf of American agriculture in the months and years ahead.

We all recognize that the work of the Agricultural Attaché is extremely important, and no one understands this better than does the Secretary of Agriculture—Clifford Hardin. Not long ago, he made the point in this way: "Our agricultural attachés have played a key role in maximizing U.S. farm product exports. They have helped tremendously in doubling commercial farm product sales abroad—which have contributed a net of \$4 billion to the balance of payments since 1960." The Secretary went on to say that: "More than ever, we need attachés reporting to keep us on top of the greatly increased competition we are getting on wheat, cotton, rice, fruits, and other products."

In the 1970's the attachés will be called upon to meet a variety of problems in the countries where you serve.

Your farm lands range from paddies to dry plains, agricultural techniques from the most primitive to the most sophisticated, and economics from developing to developed.

But with all their differences, change is one constant common to each of the countries. In my opinion, how well we can anticipate these changes and how well we prepare for them, and how quickly, and how wisely, we react to them will determine the future of American agricultural exports—not only in the Far East and South Asia, but all over the globe.

Japan is a prime example of what change can mean. Ten years ago, Japan's Gross National Product was \$25 billion on a constant price basis; last year it was \$141 billion. Per capita income was \$1,400 in 1969, \$500 more than it was just four years ago, and the Japanese have reacted as people everywhere to rising incomes—they want more food and better food. Japan has become our farmers' best single cash export market.

Taiwan is another example of rapid change. A captive island a quarter of a century ago, it has begun to move almost as rapidly as Japan, changing from a P.L. 480 outlet to a commercial market of good potential.

Its rate of economic growth is among the highest in the Far East, and industrial expansion has overtaken and passed agriculture as a factor in Gross National Product, which reached \$4.8 billion last year. Per capita income has doubled in 10 years.

Wheat production in Taiwan is declining, while consumption is rising. There is a new Swine Institute to improve hog production. The implications for American wheat, and soybeans, and feed grain producers are obvious, but there are more as diets and incomes improve. Raisins, for example, are catching on in Taiwan—and this is a country that is one of the world's largest exporters of fruits and vegetables.

Similar conditions, but in an earlier stage, prevail in South Korea. Gross National Product in 1969 was \$4.5 billion, up almost 16 percent from 1968. Per capita figures to \$145 compared with \$134 a year earlier.

As industry has carried that bill in Korea's economic expansion, there has been a shift to urban areas, and rising incomes are generating growing and changing demand for food.

I have mentioned these three countries briefly because I think the patterns of growth, of change, that they represent will

be repeated sooner or later throughout this vast area which we are concerned with at this meeting, and because I think we in the Department of Agriculture—in Washington as well as in the field—cannot afford to mire ourselves in the daily problems of this area at the expense of planning for the future.

When you look at the growth in national economies around the world, you find a great many parallels to what has happened and is happening in the United States—increased urbanization, industrialization, and increased purchasing power based on solid economic growth. There is therefore, an opportunity to expand over-all world trade in farm products, with advantages to both exporters and importers. This is our challenge, as we work to expand U.S. exports and to lower the barriers that restrict trade between nations.

One evidence of the growth in purchasing power is the burgeoning demand for meat in many parts of the world. In America, the demand for livestock and poultry products is certainly related to our standard of good living, and there is evidence that this is increasingly true elsewhere.

Because of the increase in demand, many countries are expanding their meat imports: Canada, Switzerland, Spain, Portugal, Japan, and the three major markets—U.S., Great Britain, and the European Community.

Production of beef and veal is rising almost everywhere in the Free World, and world trade reflects this. In Eastern Europe, there seems to be a general meat shortage, and this has brought some interesting turns in the meat trade, particularly in pork.

But the point is that economic growth in other countries is bringing change in food preferences and effective demand. The U.S.—as the world's most efficient producer of grains and soybeans—should be in a position to have a part in this growth. Our export future in those commodities depends on our success in meeting this opportunity.

For example, Taiwan's per capita consumption of meat is more than double the consumption in Japan. And if Japan's consumption per person could be raised just to the Taiwan level, it could mean a doubling of Japan's need for feed grains. Growth potentials might be even greater in other Asian countries.

So it is apparent that a world of rising economies and rising expectations offers at least the long-run potential for a large expansion in the use of feed grains and meals. This is an opportunity for U.S. agriculture as an efficient producer and exporter of these commodities.

I would like to take this opportunity to recognize, on behalf of the Department of Agriculture, the fine working relationship this Administration has had with the officials of the Department of State. Philip A. Trezise, Assistant Secretary for Economic Affairs, and many others have provided very valuable assistance in working out our complicated trade problems. We have also had excellent support from the Office of the Special Representative for Trade Negotiations in the White House. Our relationships have never been better.

I am pleased to be able to report to you that one of the most valuable export tools we have had in this region is expected to continue to play its vital role.

I am talking about Public Law 480. It is evident that most price support commodities will be available in substantial quantities for concessional use and there will be continuing need for food and fiber in developing countries. Although the volume of P.L. 480 activity has declined somewhat in recent years, shipments under the program still represent about one-fifth of U.S. agricultural products moving to foreign markets.

A three-year continuation of the program appears quite certain. Legislation which



would extend P.L. 480 in its present form through 1973 has cleared the House Agricultural Committee. One of the reasons for a reduction in shipments under P.L. 480 during 1968 and 1969 has been the encouraging gains in grain production in some of the recipient countries. However, even as these nations move toward improvement of their agricultural systems, they continue to require outside food aid for a number of reasons. Technological problems in drying the grain and preparing it for storage must be solved. Storage, transportation, and distribution systems must be improved. Rising populations and increasing incomes keep a constant and increasing pressure on food supplies. And, there remains the universal uncertainty of the weather.

I might speculate on what the future holds for P.L. 480. It looks like the major programs will be found in the Asian countries—in South Vietnam, Indonesia, India, Pakistan, and Korea. We can foresee that the so-called "Green Revolution" will remain somewhat uneven and incomplete and there can be more setbacks, such as in Pakistan and Turkey where grain self-sufficiency had already been proclaimed but now we see continuing P.L. 480 wheat programs for these two countries.

It also looks as if we will be under continuing expenditure constraints, as P.L. 480 must compete with urgent domestic programs for funds. We will face hard choices as to the use of resources, not for the lack of commodities but for the limits of funding.

With this money squeeze, we will be under pressure to obtain the maximum return to the U.S. to the extent this can be done, consistent with P.L. 480 objectives. And we will stress market development at every opportunity. The money squeeze also dictates a worldwide policy to limit ocean transportation financing to the differential cost between U.S. and foreign flag rates. Having said this, we still can foresee a viable program that may run about one billion dollars a year, a program with a mixture of different influences such as market development, self-help, food aid and good will. We can envisage a challenging period ahead of us to preserve the P.L. 480 tradition and achievements of the past.

There is another important aspect of our work to which I should like to direct your attention—that is our participation in the international intergovernmental organizations in which the U.S. holds membership.

These organizations are a product of the 20th Century. The first intergovernmental organization in the field of agriculture—the International Institute of Agriculture—was formed only in 1905. The Food and Agriculture Organization, or FAO, into which the assets of the now defunct Institute were absorbed, will be celebrating its 25th anniversary in October of this year. As a member of FAO, and a number of other intergovernmental organizations that deal in one way or another with agricultural matters, and as the major financial contributor to these organizations, we still have a great deal to learn about using them effectively—and thus getting the maximum return on our investment in them. If we are to use them most effectively, it will be necessary for you as Agricultural Attachés to become increasingly informed about their activities and to become more involved in our activities relating to them.

I have mentioned FAO, and would like to say a bit more about it. Among the many organizations in which we participate, it is most important for a number of reasons:

It is the largest and most influential body dealing with international agricultural matters. It comprises 119 member countries and two associate members.

It is the leading organization in giving technical assistance to developing countries in the agricultural field, and as such is the largest user of UNDP funds.

Through a cooperative program with the World Bank (International Bank for Reconstruction and Development), it has an important influence on the channeling of more funds into loans for agricultural development around the world.

FAO, jointly with the UN, sponsored the World Food Program, through which substantial quantities of food are now being used in support of agricultural development.

In cooperation with the UN, it maintains an Agricultural Division jointly with ECAFE, in Bangkok, where the agricultural economic problems of the Asia and Far East Region are studied.

In the commodity field, FAO through its Committee on Commodity Problems and the various working parties of that Committee, provide the primary forums for discussion of commodity situations and trends in international trade.

And finally, FAO is the major source of international statistics on food and agriculture, and its many economic and technical publications are important sources of information not only to us but to all the member countries of the organization.

We are concerned with many other international organizations as well but, since FAO must be our chosen instrument for broad international action in the field of agriculture, it is important that you keep yourselves fully informed of its activities, and of the attitudes of the countries in which you are stationed towards those activities.

I might say that there has been growing, within some members of FAO, a feeling that the developed countries should substantially curtail their inputs to agriculture in order to accommodate the export ambitions of the less developed countries. The United States has expressed very serious reservations about this kind of assumption.

Last November, at the 15th Annual Conference of FAO in Rome, Assistant Secretary Palmby put it like this:

"Many of the high-income nations are efficient producers of the food and fiber that the entire world wants and needs. That is true of several major commodities produced in the United States. As an advocate of liberal trade, the U.S. wants to export the production in excess of domestic needs that its efficient agriculture has made possible. The U.S.—and I am sure the same is true of other efficient producing countries—could not curtail inputs to efficient sectors of its agriculture in order to permit other countries to expand their output." (The words of Secretary Palmby.)

Now let me report briefly on what is happening on farm policy and programs back at the ranch and then I will close.

The House Agriculture Committee bill is the culmination of many months of work on a bi-partisan basis to produce legislation that is sound, workable, and passable. In addition to dairy and wool provisions, pilot land retirement, and extension of P.L. 480, the bill would put into law the new approach that we call "set-aside."

The set-aside would eliminate the old individual crop-by-crop controls, and would provide instead a single set-aside of acreage which a cooperating farmer would agree to keep out of production. In addition, he would maintain his conserving base.

Beyond his set-aside and his conserving base, a farmer would have a maximum choice in growing whatever he wishes on his remaining land. An exception would be that he could not use this program to expand his acreage of crops still under quota—rice, sugar, peanuts, or tobacco.

For example, a farmer with a wheat allotment and a feed grain base would no longer face individual restrictions on the wheat he could grow or the corn he could grow. Instead, he would agree to put into set-aside a portion of his tillable acres or base, maintain his conserving acreage, and beyond that

choose to grow all wheat, all corn, all soybeans, or all something else on his remaining acreage.

In return for this participation, the farmer would be eligible for a commodity loan on all of his production of these crops and an additional income payment in a part of his crop related to his share of the national domestic market, a portion of which would reward him for land diversion.

The purposes of this proposed legislation can be summarized under these three major objectives:

1. To make the most effective possible use of those Treasury funds that can be channeled into agriculture. To use these funds to strengthen farm income, stabilize supplies, and expand markets.

2. To provide increased opportunity and flexibility to farmers to specialize in those crops which will maximize their net returns. To enable these farmers to do the kind of farming they are best prepared to do—by ability, desire, land, equipment, and other capital.

3. To expand exports by making our commodities as competitive as possible in quality, availability, and price.

The idea is that the loan should be at a level to permit commodities to move into use—not so high as to provide an umbrella over world production as we have had it so often on some commodities in the past.

As the bill is now written, it would provide for a three-year program with average prices received and payments totaling \$2.77 a bushel for domestically consumed (for food) wheat, \$1.35 for corn, for 50% of feed grain base, and 35 cents a pound for cotton produced on 11.1 million acres.

The proposed set-aside legislation is based on the proposition that we want an agriculture capable of responding to changing markets. The bill must, of course, be one that Congress will accept, or all our effort is for nothing. And, it must be within an acceptable range of cost.

There are other issues that are also important to rural America in 1970.

One is environment. E-Day or Earth Day or Environment Day—which was April 22—was primarily an outgrowth of a new concern among young people. However, it is part of a general concern that has more or less exploded in the past year or two—a concern that the planet may be permanently damaged or defiled if we do not move quickly against pollution and destruction of air, land, water and other resources.

This effort is moving on many fronts. The resource agencies of the Department are involved—SCS, ASCS, Forest Service, and others. Research people are also engaged in efforts to assure minimum damage to the environment from farm chemicals and wastes—while at the same time assuring adequate production from an agriculture that is not tyrannized by insects and disease.

Another immediate concern is rural development. Secretary Hardin and all of us are concerned that opportunities be developed within rural America to give people a choice of where to live. If present trends continue, all of the 100 million people added to our population in the next 30 years will wind up in the steadily worsening congestion of major cities. The implications of such an "ant-hill society" are, to say the least, frightening.

These are some of the concerns that engage the attention of Secretary Hardin and others in the Administration—as we look to new policies for rural America in the 1970's.

#### ENDING THE WAR

Mr. HARTKE. Mr. President, Roger Hilsman, former Assistant Secretary for the Far East, has written a most informative and suggestive article about Vietnam for the New Leader of April 27, 1970.

Mr. Hilsman emphasizes the obvious point that President Nixon's Vietnam policy "represents a decision to continue the war, not to end it." Even accepting the most optimistic of the administration's assumptions, the Nixon plan guarantees 5,000 to 10,000 American fatalities in the next 3 years with still 100,000 to 150,000 U.S. troops in Vietnam.

The United States still has an opportunity to achieve a negotiated settlement. Mr. Hilsman suggests that North Vietnam wants to negotiate because it wants to remain independent of Communist China. I ask unanimous consent that Mr. Hilsman's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

#### THE WAY OUT OF VIETNAM

(By Roger Hilsman)

President Nixon's policy of "Vietnamization"—a gradual withdrawal of American troops, concurrent with an increase in the amount and quality of aid to South Vietnam—is based on his hope that Saigon will be able to continue the war completely alone, or at most with the aid of U.S. air and artillery forces. The reduction in American casualties, it is believed, would not only mute the opposition at home, but make it possible to wage a "long-haul, low-cost" war. Meanwhile the North Vietnamese and Vietcong, unable to bear the continued casualties and cost over a period of years, would be forced, in Henry Cabot Lodge's words, either to "fade away," or work out a settlement on Washington's terms—presumably a Korea-type arrangement that leaves the South in the hands of a pro-Western, anti-Communist government.

According to the best information in Washington following the April 20 announcement of the withdrawal of 150,000 men this year, the Administration plans to reduce the troop level very little in 1971, to about 250,000. That will enable Nixon to withdraw another 50-75,000 troops in 1972, the Presidential election year, and to announce immediately before the election that he intends to bring home an additional 50-75,000.

This is very shrewd politics, to be sure, but it ignores the larger consequences. The monetary cost will be high, somewhere between \$100-150 billion. Much more significant, though, is the probable toll in American lives. For although Nixon's plan will reduce U.S. casualties, we can nevertheless expect 5-10,000 fatalities in the three-year period. The figure, in fact, might well go higher, because in the final analysis, the President's program represents a decision to continue the war, not to end it. When all the reductions he is reportedly scheduling have been made, there will still be between 100-150,000 U.S. troops in Vietnam. And this means that in a year or two, the North Vietnamese and the Vietcong will feel compelled to launch a major offensive directly against the Americans.

There are, of course, a number of other very grave drawbacks to Vietnamization. But putting them aside for the moment, it is important to understand that there is an alternative: The Communists have made an offer for a more or less immediate peace on terms that many foreign affairs specialists find quite acceptable.

Indeed, for well over a year Hanoi and the National Liberation Front (NLF) have been issuing with increasing frequency a series of "signals" concerning different aspects of a possible settlement. Many of these have been sent out directly, by way of American newsmen, academics and others traveling in neutral countries or Eastern Europe. Some come through the embassy officials of various Com-

munist nations or through their delegates at the United Nations. Finally, they are contained in public statements made by Hanoi and the NLF, and are transmitted during private conversations that take place in between the Paris negotiating sessions.

Often these signals are couched in subtleties of language that laymen may find confusing. Take, for example, the letter to Nixon written by Ho Chi Minh just before his death last September. In the past, it had been Communist practice to describe the "10 points" of the NLF peace proposal in such uncompromising terms as "the only possible solution." But the North Vietnamese President's letter referred to them as simply "a logical and reasonable basis for the settlement of the Vietnamese problem." [Italics mine. R. H.] If previous experience is any guide, the shift from "the" to "a," and from words like "only possible solution" to "basis for the settlement," was not accidental. Similarly, Ho made a distinction between the "population of the South" and the "Vietnamese nation"; seen in the light of other gestures, this suggests possible concessions on at least the timetable of reunification. Also encouraging was his mention of the need for finding a "path that will allow the United States to get out of the war with honor."

At times the signals are direct and clear. Thus in Paris, the Communists have rejected the notion of an electoral solution in the South in favor of an old-fashioned political deal—a negotiated settlement based on a coalition government. Although their propaganda continues to call for immediate, total withdrawal of U.S. forces, privately they have indicated that this could be phased over two or three years, which would permit a dignified departure and help insure a peaceful transition to coalition rule in Saigon. In addition, there are indications that Hanoi and the NLF would be willing to postpone reunification for a period of five to 10 years, and that the overall settlement could include international agreements guaranteeing the territorial integrity of Laos and Cambodia. All of these points, I might add, have been confirmed by representatives of Communist nations in close touch with Hanoi.

Interestingly, too, the Communist side once told W. Averell Harriman, our former chief negotiator in Paris, that after the war is over they would like to exchange ambassadors with Western nations, including the United States, and cited their friendly relations with the French in spite of the long struggle against them for independence. They also expressed interest in the so-called Mekong Valley Authority proposed by President Johnson. Harriman, who has had the longest contact with the other side, is convinced that had Johnson accepted the advice given him in the summer of 1968 to heed the enemy's signals for a coalition, a settlement could have been arrived at as early as that very September. He is equally convinced that if Nixon had been willing to move to negotiations on the same basis, peace would have been achieved by the summer of 1969.

What has not been explained, though, is why the Communists are willing to make a deal. It is very doubtful that Hanoi and the NLF have decided they cannot win. While they may be poorly informed on some aspects of American politics and excessively suspicious, there is reason to believe they can read the political signs in the United States well enough to know that President Nixon will find it impossible to return to a policy of escalation in Vietnam, and that even maintaining American air and artillery forces there may become politically difficult. In my own conversations with them in neutral countries and Eastern Europe, both the North Vietnamese and Vietcong pointed continually to their experience with the French, and expressed complete confidence that Washington would inevitably find the costs of the struggle out of all proportion to any possible U.S. interest. On the other hand,

they argued, for their side no price would be too great: After all, it is their country. What impressed me most was the absence of stridency, the calm confidence with which they spoke. Surely Johnson's backing down from the 1968 Presidential race and Nixon's policy of Vietnamization have only served to strengthen their conviction that the United States will sooner or later withdraw.

Neither is there cause to believe the Communist side doubts it will prevail over the Saigon regime once the United States departs, or that it is wrong in this assessment. There is currently an upsurge of optimism in Washington about South Vietnam's ability to fend for itself, because the "statistical indicators" are more favorable than ever before. One would think that we have been around this particular race track too many times to be fooled again—the last wave of confidence based on this sort of evidence came just prior to the 1968 Tet offensive! The truth of the matter is that the "gains" implied by the statistical indicators are very fragile, since most of them have been made possible by the North Vietnamese forces simply pulling back or lying low. The initial purpose of the present lull was to signal a willingness to negotiate, as well as to respond to Nixon's troop reduction. But we now know that other Communist countries have been advising Hanoi to continue its relative inactivity until the U.S. phasedown is complete. In short, the North Vietnamese can dramatically reverse the entire situation by a decision to launch an offensive, or less dramatically by attacking the pacification effort itself.

The truly salient indicators in Vietnam are not statistical but political. And here the primary fact is that the Thieu-Ky government does not command the support of even all the non-Communist elements in South Vietnam. The second is that if a leader emerged who could unite and mobilize each and every non-Communist faction, the resulting alliance would prove no better than an equal match for the Vietcong alone, and would be vastly overbalanced by the Vietcong and North Vietnamese combined. My own feeling is that with the help of massive U.S. aid and air support, the Saigon regime will be able to offer resistance longer than some of its more ardent critics realize; in the end, though, it seems obvious that Thieu and Ky cannot win. North Vietnam may have its political and economic troubles, but the overwhelming evidence suggests that after 20 years of casualties, it has both the manpower and will to go on fighting for another 20.

So we are left with the question of motives. Why do Hanoi and the NLF want a settlement based on a coalition government when they must eventually win on the battlefield? Why don't they simply stick out the "long-haul, low-cost" war? The reason, I think, is Communist China. Thus far, the North Vietnamese have maintained their independence, even to the extent of suffering some very concrete punitive measures for going to the Paris negotiations against Peking's advice. And it seems perfectly clear that Hanoi is fiercely determined to continue to preserve its autonomy.

This attitude toward China on the enemy's part would seem to explain a number of things: the preference for negotiation as opposed to having the South fall into its lap; interest in the Mekong Valley Authority, and in friendly relations with the West; and the willingness to accept a phased withdrawal of U.S. troops and postpone reunification. A negotiated settlement formally agreed to by a dozen-odd signatories would act as a potent deterrent to China, regardless of whether it provides for an international police force. Peking has goals other than Vietnam, and is judicious enough to understand what the effects upon them would be were there a blatant violation of an agreement signed by a



number of world powers, Communist and non-Communist. As for friendly relations with the West and cooperation in the Mekong Valley Authority, that would serve as an additional warning to China by guaranteeing a Western stake and presence in Vietnam. A phased withdrawal of American forces would further underscore the protective nature of the settlement, while postponed reunification would furnish time for healing wounds and forging a truly united Vietnam.

But if the North's signals are motivated by a concern about China, as I think they are, certain U.S. assumptions require reassessment. Foremost among these is the notion, expressed by Dean Rusk when he was Johnson's Secretary of State, that Hanoi is somehow a stalking-horse for Peking and therefore a negotiated settlement would advance Chinese aims. And second, there would appear to be little basis for Nixon's fear of a "blood bath" following the installation of a coalition government—a fear that was the foundation stone of the Vietnamization policy laid down in the President's November 3 speech. If the Communists do in the end come to dominate a coalition regime in Saigon, some individuals will undoubtedly be tried as war criminals—for instance, men like the secret police chief who shot an enemy suspect in front of an American TV camera. Then, too, in some villages where conditions are chaotic, there will be both Communists and non-Communists who will take advantage of the situation to settle old scores. But if Hanoi and the NLF want to preserve their independence of China, they will work toward reconciliation, for they will need to develop support among all elements of the population. The Vietnamese Communists also have a stake in maintaining the sympathies of the entire outside world, which any sort of blood bath would jeopardize—especially if Western ambassadors were present in the country. So it seems likely that their official policy will be one of no reprisals.

This view is confirmed by the expectations of persons who would otherwise be prime targets. Last year, I asked 12 non-Communist or anti-Communist Vietnamese professors and university officials what they would do if the Paris negotiations resulted in an NLF-dominated coalition. Would they go to France? To the United States? Each answered that he expected to remain in Vietnam and to continue in his university post. "What about reprisals?" I asked in some amazement. "Oh, there will be some harassment and sessions in self-criticism," was the usual reply. "But I expect to go on teaching and to draw my salary."

Yet President Nixon continues to turn away from the Paris talks, apparently because of two key issues: his insistence on free elections, and the Communist attitude toward the Thieu-Ky regime. He has declared that "anything is negotiable except the right of the people of South Vietnam to determine their own fate"; he feels this can only be exercised through elections, and the United States has indicated its willingness to negotiate a coalition election commission.

The Communist side, being deeply mistrustful of elections, rejects this position. In my own conversations with them, they argued that they have been cheated on this very point before: The 1954 Geneva accord called for an election, but it was never held. "We all know," they added, "how easy it is to manipulate elections in Asia, with the peasant population having so little schooling, and there is simply no way to hold fair elections where Saigon has troops." In the Communists' view, the way to insure the right of the people to determine their own fate is to permit the leaders of all the different political factions to form a coalition government, which might subsequently be ratified at the polls. A political arrangement of this kind, they feel, would meet Nixon's

demand more realistically within an Asian context.

The emphasis on all political factions being represented leads to the question of the Thieu-Ky government, Hanoi and the NLF refuse to deal with the present Saigon regime, arguing that its leaders are not representative of even the non-Communists. What makes the problem so difficult for the United States is that many non-Communist South Vietnamese would agree. Moreover, no matter what policy we ultimately follow, a break with Thieu and Ky is inevitable. Since a popular South Vietnamese government would require more U.S. combat support than Nixon's Vietnamization policy contemplates, and would eventually need more U.S. troops than Washington is willing to give, this point is bound to be reached much more rapidly under the essentially unrepresentative Thieu-Ky government. Should Washington begin negotiating terms for a coalition government, the screaming would merely start sooner.

But whether the task is fighting or negotiating, the present Saigon regime is clearly too narrowly based. The initial step in any new U.S. policy must be to force Thieu and Ky to broaden the government. Once that is done, the problems of achieving a coalition will be greatly eased; the balance of the non-Communist forces not now represented in Saigon will themselves wish to move in this direction.

It does seem true, though, that the only possible alternative to a negotiated coalition settlement is Nixon's Vietnamization policy. The costs of either a return to escalation or immediate, unilateral withdrawal are clearly too great to be accepted. Even 2-3 million Americans might not be able to achieve a "victory" without invading North Vietnam, a course of action that would probably bring about intervention by the Chinese. While the consequences of complete withdrawal are less predictable, the step would certainly create a period of instability in Asia which in prudence we should try to avoid.

But the Nixon policy has too many serious deficiencies. The most important criticism has already been made—that it is totally unrealistic to believe Saigon alone can prevail against the combined strength of the Vietcong and the North Vietnamese. And since, as we have noted, the war is sure to be lengthened by the President's program, this means prolongation of the tensions here at home and a further polarization of American society.

Extending the conflict's duration also increases the chances of events getting out of hand and culminating in, say, Chinese intervention or a situation where complete American withdrawal is politically impossible. Indeed, Vietnamization puts the United States directly in Thieu and Ky's pocket; for if our pulling out is dependent upon their government's continued survival, then we give them a veto over both the rate and degree of our troop reductions. Equally significant, Nixon's plan overlooks the importance for the stability of Southeast Asia of an agreement, signed by all concerned, stipulating the future status of Laos and Cambodia as well as Vietnam.

This said, it must also be noted that although the Communists are signaling a deal which appears to be one we could live with rather comfortably, in the actual negotiations it might turn out that they have something in mind we cannot accept. The only hint of what they mean when they speak of a coalition came last November 14 when Mrs. Nguyen Thi Binh, head of the NLF's Paris delegation, said in a public statement that if General Duong Van Minh emerged as head of a "peace" cabinet in Saigon, "we are ready to begin conversations with him." Since the Communists have consistently re-

fused to deal with the Thieu-Ky regime, Mrs. Binh's statement represents a break in the negotiating stalemate and may be a sign that the NLF would go so far as to accept a coalition headed by "Big" Minh.

If so, this would be very encouraging. For despite Minh's declared willingness to meet with the Communists, he is certainly neither pro-Communist nor a dove. On the contrary he is the South Vietnamese Army's senior and most popular officer, who led the 1963 coup against the hated Diem regime. He could form a non-Communist government far more representative than the Thieu-Ky regime, and hence one that would carry much more weight in negotiations and in any coalition that followed.

But we will never know precisely what the Communists have in mind unless we at least take the initial step of asking them to be specific. And this Nixon refuses to do—he rejects the principle of a coalition, and will not negotiate on that basis. If the foreign affairs experts who believe Hanoi and the NLF are offering an acceptable deal are right, his stand may prove as tragic as the decision to make Vietnam an American war in the first place. For recent events have greatly increased the possibility of a frightening escalation, with the conflict spreading into both Cambodia and Laos. Until just a few weeks ago, the Communist positions on Laos and Vietnam were clearly quite similar. The Pathet Lao had indicated a readiness to renegotiate a neutralized Laos, and after retaking lost territory on their side of the 1962 cease-fire line in their winter offensive, they halted and put forward a set of proposals to reconstitute the old coalition agreed to eight years ago.

The March coup in Phnompenh, however, which replaced the neutralist Prince Sihanouk with an anti-Communist military dictatorship, may upset everything. To pursue their combined guerrilla-political strategy, the NLF and the North Vietnamese need to use the jungle terrain in Cambodia, where they have large forces. They may be willing to tolerate Premier Lon Nol's cutting off their access to local rice and the arms and supplies they have been receiving through the port of Sihanoukville. But any attempt by the undertrained, under-equipped, 35,000-man Cambodian Army to drive them out of the country might well lead to a Communist decision to attack Phnompenh or sponsor a revolt aimed at reinstating Sihanouk. American participation in such a Cambodian offensive would only make escalation more certain.

The sole redeeming feature of these events is that they provide Nixon with an opportunity to return to a policy of negotiation without political embarrassment. What we now face in Southeast Asia is an entirely changed situation that requires a fresh approach, and France's proposal for initiating a new set of talks—in effect, reconvening the Geneva Conference of 1954—could be the answer. The Communist side is currently negative to the idea. But if Washington came out in favor of the French suggestion, at the same time giving private assurances that it would accept the principle of coalition, the Communist attitude would quickly change.

There are fleeting moments when history allows statesmen an opportunity to alter the whole course of events, the chance for a creative act that could turn war into peace or enmity into friendship. Such an opportunity exists today, offering an honorable way out of Vietnam and the possible neutralization and stabilization of all Southeast Asia—if President Nixon would only seize it.

JOHN GRAVES

Mr. RIBICOFF. Mr. President, the sudden and untimely death of John Graves has saddened us all.

During his 6 years as assistant secretary for the majority in the Senate, John unfailingly brought patience, reliability, integrity, and good humor to his post on the floor of this Chamber.

He understood and cherished the traditions and ideals of the Senate and served his country and this body well.

I extend my deepest sympathies to his wife, Karen, his children, Cody and Caroline, and to other members of his family.

#### THE F-111 PROGRAM

Mr. PERCY. Mr. President, the Permanent Investigations Subcommittee, on which I serve, has recently completed another phase of hearings which began back in 1963 on the F-111 program. The fact that these hearings have been stretched out over such a long period of time bespeaks the vast complexity of the problems uncovered, the extent of continuing problems under the contract, and the dedication of the chairman, Senator McCLELLAN, and the committee staff to pursue this whole issue until all the answers are developed.

For many of us in public office, the TFX debacle has been a source of national embarrassment and a cause for deep concern. Irrespective of where personal responsibility must fall in such a situation, the subcommittee has received an abundance of testimony indicating negligence at many levels in the Department of Defense, from drafting the contract, through scheduling the implementation, through receiving the nonconforming product, right down to meeting the terms of payment. Worst of all was the failure of supervision. At every instance, the Government, and, therefore, the taxpayer, has had to pay the cost.

It is both sobering and shocking to realize that, according to the original contract while each plane was supposed to have cost \$3.6 million, the cost, so far, has jumped to \$16 million per plane—nearly a fourfold increase.

We need not reiterate the whole story to know that tireless efforts were necessary to pull together all the pieces of information, an infinite number of loose ends, and pursue every possible lead to develop a clear picture of what actually happened on this project. This is the sort of information which we in the Senate must have if we are to avoid future large-scale waste. The public cannot and will not tolerate such squandering of the public moneys. I know this has been the chairman's and committee's commitment over the years of this investigation, and it is mine now as well.

Barron's, the national business and financial weekly magazine, has recently recapped the detailed findings of the subcommittee. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

#### INCREDIBLE CONTRACT—GENERAL DYNAMICS' GAIN IS THE NATION'S LOSS

As everyone over college age by now must know, the so-called military-industrial complex lately has been doing precious little profiteering. Even what used to be viewed as a legitimate profit has grown very hard to come by. Thus, North American Rockwell,

which has developed a highly advanced avionics system (dubbed "Mark II") for the Air Force F-111, was jolted last month when investigators on Capitol Hill disclosed that owing to Pentagon-ordered (but not "approved") changes, the company's Autonetics division may lose as much as \$500 million on the subcontract. NR's president quickly blasted the suggestion as "erroneous"—negotiations are still in progress (and "if litigation should become necessary, NR believes that it would prevail")—but he added that the company suffered a loss on the Mark II last year and "its best current estimate is a break-even position" on the program as a whole. Lockheed Aircraft, a prime contractor, tops the casualty list. Chairman Daniel Houghton last week told the annual meeting, hopefully, that contractual difficulties (on four separate programs, of which the most prominent is the celebrated C-5A jet transport) "one way or another will be solved." Meanwhile, however, Lockheed has "already shown a whopping deficit (\$290 million in total writeoffs through 1969) . . . and I can't guarantee that our losses are at an end."

To the sombre roll call cited above there is one striking exception: General Dynamics Corp., prime contractor for the F-111 (formerly TFX) swing-wing aircraft. According to the latest projections, the U.S. will ante up at least \$8.6 billion, for 547 planes, of which no more than 240 will be "serviceable" as originally intended. Yet General Dynamics still expects—informed sources in the Pentagon and Congress concur in the estimate—to wind up not with a loss but with a profit of over \$300 million on its \$6 billion share of the contract. At the moment, to be sure, all F-111s again have been grounded (as a consequence of fatal crashes), and owing to recent test-program failures, the Air Force has held up some "progress" and "advance" payments. Nevertheless, according to expert interpretation, the terms of GD's unique contract make it impossible for the company ever legally to be found in default.

"There's no way the government can recoup its losses, no way the contractor can be held to account," Senator John L. McClellan (D., Ark.)—himself a lawyer as well as persistent critic of the TFX—told Barron's last week. Last month his Permanent Investigations subcommittee completed hearings (deferred since 1963) on the F-111 program. For the first time, the probes were given access to the contract and most of the documents pertaining to it, and could place the whole story in the public record. "As a lawyer myself, I have never seen a contract like this," the Senator said. "As things stand, we simply have to take what General Dynamics gives us and pay the price. In all my years as a member of Congress, it is the most sordid transaction I've ever encountered."

From its launching a decade ago, the TFX—first as development program, finally as flying machine—has been at once the most ambitious and disastrous in the annals of military aviation. It also has been kept one of the most secret, not always for purposes of national security; the facts, notably those involving the contract itself, have been a long time coming out. Even now, to be sure, key details remain obscure. As to the contract itself (two key contracts actually preceded the final "definitized" production version), no single author can be identified, even by Senator McClellan's dedicated staff; in the nature of things, large military contracts (particularly those of the Air Force) are the product of many hands and the result of lengthy negotiations. But several facts about this particular pact are clear. The award was made to General Dynamics Corp. instead of Boeing on the basis of neither cost nor technical superiority—Boeing's was the lower bid, while the Joint Chiefs of Staff unanimously opted for its design—but on the po-

litically biased "rough judgment" of former Secretary of Defense Robert S. McNamara, backed by his civilian subordinates, notably Deputy Secretary of Defense Roswell L. Gilpatric.

The latter, who had served as counsel for General Dynamics immediately prior to joining the Administration of the late President Kennedy, his good friend, returned to his old law firm (and its corporate client) barely a year after the award was announced. During the long-drawn-out contract negotiations which ensued, "Roz" Gilpatric—known, according to a flattering 1965 profile in *The New York Times*, for "his deft touch with a defense contract"—has been second ranking partner in the prestigious New York law firm which, in turn, continues to serve as General Dynamics' general counsel. Mr. Gilpatric's record strikes some observers as a curious one; Senator McClellan goes further. Despite all demurrers—including one hastily drawn up nearly seven years ago by the Department of Justice, at the behest of then U.S. Attorney-General Robert F. Kennedy—the lawmaker told Barron's last week that, in his view, Mr. Gilpatric has been involved in a "flagrant conflict of interest."

As for former Secretary McNamara, now President of the International Bank for Reconstruction and Development, the sorry episode clashes violently with his burnished public image as hard-headed businessman. During the long contract negotiations, of course, this official bore the ultimate responsibility for protecting the government's interests, financial as well as military. Mr. McNamara once boasted of having been (at Ford Motor Co.) the second-highest-paid accountant in the United States, "paid for my judgment on contracts involving millions of dollars." Today, as head of the World Bank, he disposes of billions of dollars worth of loans and grants per year. Yet to judge by the voluminous evidence of the F-111 fiasco, amassed by the McClellan committee staff and others, Mr. McNamara, to take the most charitable view, emerges as a billion-dollar fumbler.

What's good for General Dynamics, in any case, has not been so good for the country. How high the final tab will run remains to be seen. "At this point in time," testified McClellan staff investigator Thomas E. Nunally last month, "I doubt that anyone can forecast with reasonable accuracy the cost of the F-111 program." Its escalation to date, however, is amply documented. In April 1965, a letter contract was awarded GD covering 431 planes—this was the company's official go ahead to launch mass production (even though the research, development, test and evaluation contract was not then, and is not now, completed). Two years later, on May 10, 1967, the "definitized" production contract was signed, providing instead for 493 planes (a so-called strategic bomber, or FB-111, version had been added to the all-purpose mix) at a price of roughly \$1.8 billion. As of last year-end, according to the McClellan committee, 240 of the total 516 contracted aircraft had been produced (of which 207 had been delivered). Meanwhile the Air Force, last October, told the Senate Appropriations Committee that for the then full-programmed "buy" of 668 F-111s, the cost would run to \$8.5 billion; at the year-end, after 121 planes had been cut from the program, a Pentagon report indicated that the cost for a total of 547 programmed F-111s now was estimated at \$8.65 billion. That's a nearly fourfold escalation. On a per-plane basis, the originally contracted average unit price of \$3.6 million (or \$4.5 million, including RDT&E costs) so far has jumped to \$16 million. And the end—with at least 200 airplanes still undergoing radical design change—is nowhere in sight.

So much for the cost in treasure. Technically, the high-flying F-111's performance has gone nowhere but down. Originally



slated as a bi-service plane, the F-111 lost its Navy configuration two years ago because—as every responsible flag officer had predicted long before the first contract was signed—it was grossly overweight and in other respects ill-designed for carrier operations. As for the Air Force (F-111A) version of the Tactical Fighter Experimental, operational specifications have been steadily downgraded. Here is how latest models of the plane compare with the contracted specs: takeoff weight, 82,500 pounds vs. 69,122 (a 20% deficiency); maximum speed at high altitude, mach 2.2 vs. mach 2.5 (12% too slow); combat ceiling, 58,000 feet vs. 62,300 (a 7% shortfall); takeoff distance (for a plane intended for launching from advance rough-terrain bases) 3,550 feet vs. 2,780 (28% too much); ferry range (distance the plane's fuel capacity will permit it to be flown from U.S. positions to forward bases) 2,750 miles vs. 4,180 (a 34% deficiency). In terms of combat maneuverability, the tactical fighter fares worst of all: supersonic dash distance of 30 miles vs. the specified 210 (an 85% deficiency); acceleration time (from mach .9 to mach 2.2), fully four minutes vs. the called-for 1.45 minutes.

Still more discouraging has been the performance of the FM-111, the strategic-bomber version launched late in the day by Secretary McNamara, as a calculated afterthought to save the TFX from total failure. Ironically, two of the Secretary's other early major decisions had been to cancel production of the General Dynamics' B-58 Hustler (thereby emptying the Fort Worth plant into which the F-111 then moved), and to scratch development of North America's B-70—against the advice, again, of Air Force experts—on the theory that ICBMs had eliminated the need for a strategic manned bomber to replace the Strategic Air Command's aging B-52. (Mr. Gilpatric, after leaving the Pentagon, was among the more vociferous advocates of that theory.) Sometime prior to signing of the "definitized" 1967 production contract, however, the Secretary changed his mind: the "all-purpose" TFX, outfitted roughly like the Navy version, he decided, could itself turn into a strategic bomber.

By last year-end, General Dynamic had built 20 of these and shipped nine; so enamored is the company of the "new" plane that its current corporate ads feature the FB-111 (over the F-111A) as "the next generation of strategic aircraft." Unfortunately, like virtually everything else in this curious product mix, the bomber also seems to be a bomb. Because of its essentially fighter-plane design, when the FB-111 is fully loaded with bombs (including those hanging on its wings, to give it B-52-equivalent punch), it has a top ceiling (when virtually empty of fuel) of 10,000 feet, against the B-52's 50,000 feet; when refueled, its maximum ceiling drops to 2,000. Fully loaded, moreover, its range (a still-classified but widely estimated figure) is just 3,000 miles, compared with the B-52's 6,000; accordingly, SAC's "profile" for an FB-111 mission (U.S. base to, say, Soviet target) calls for a one-way mission (landing in friendly overseas territory) and an enroute refueling (which, of course, doubles radar, vulnerability). Finally, to cover targets easily within range of the earliest models of the B-52 (long since obsolete), the FB-111 must fly at fuel-conserving speeds so slow as to make the plane virtually a sitting duck.

That's the dismal record of General Dynamics' super-plane aloft—where it hasn't been much lately. Last December 22, in a routine training flight over Nevada (at speeds well within the TFX's modified capabilities), an F-111A lost a wing and plunged into the desert in a fiery crash that killed both pilots. The tragedy ran the toll of F-111 accidents to 18, including 13 crashes and nine fatalities. It also led to the most recent grounding of all F-111s (except seven special models now being test-flown), which,

the Air Force has announced, won't be lifted until each plane has been checked out for the faulty wing. (Just last week, another F-111 wing structure, undergoing on-the-ground fatigue tests, cracked at the equivalent of 7½ years' "standard flight operation." The specified requirement is a minimum of 10 years' safe service life. An Air Force spokesman said: "The test did prove that the aircraft has many years of use during which a fix can be devised.") Technically, the grounding and test program means that the Air Force is not formally accepting F-111s now coming off the production lines; hence, "advance" payments on these aircraft, requested recently by the contractor, are being withheld.

Withholding payments? Is General Dynamics then about to suffer the fate of Lockheed, et al.? Not at all. One of the interesting things about the F-111 production contract is that even though planes are not now being accepted, the government continues to make 90% of the "progress" payments during their assembly—which goes on uninterrupted. (The Fort Worth plant, indeed, has received kudos, and incentive bonuses, for its production records: "the more planes that get built, the fewer can be cancelled," a Washington cynic noted last week.) Only GD's remaining 10%, roughly equivalent to its profit, is being held back during the investigation. The company has asked that these payments be advanced, but the Air Force, after "thorough consideration of all the equities involved," has said no.

General Dynamics, in truth, has a defense contract which is extraordinary on any count. Only an expert in such matters can pretend to an easy interpretation of its unique complexities. Fortunately, for the sake of the records, the McClellan Committee boasts such an expert. John J. Walsh, a staff investigator since 1963, was assigned by Senator McClellan in 1967 "to make a review of both the Research and Development contract and the later Production contract awarded to the General Dynamics Corp. for the F-111 airplane . . .". He testified last month . . . "I updated the review before this hearing. To summarize briefly the results: I found that although certain basic aircraft procurement items are 'guaranteed' in the contracts, the 'guarantees' have no practical significance."

Mr. Walsh's years of investigation deserve far more than a brief summary. Here are his major conclusions, in testimony last month before the McClellan Committee, and in devastating detail:

"1. The record clearly shows that when the R&D contract was definitized in 1964, there was strong evidence that the design of both the Air Force and Navy F-111 planes would likely fail to produce on acceptable aircraft. Aeronautical experts were giving clear warnings that the performance set out in the specifications could not be met without major redesign of the airframe.

"2. The performance items in the specifications were stated to be 'guaranteed' but the 'guarantee' was little more than window dressing. The penalties for failure to meet these 'guarantees' were negligible in amount compared with the total cost of the program. Many of the 'guarantees' did not call for any penalty at all. Moreover, the 'guarantees' contained built-in contingencies and there was no time schedule in which they had to be met. This, for all practical purposes, resulted in the unenforceability of the 'guarantees.'

"3. The R&D contract was written in such a way as to make termination for default for performance deficiency a practical impossibility. . . .

"6. The government approved first a letter contract and then a definitive contract for production quantities of F-111 airplanes without binding performance specifications. General Dynamics was authorized to manu-

facture planes and has, in fact, delivered 207 aircraft and has 226 planes in production. By failing to include a binding performance specification, the Government is precluded from terminating the production contract for default for performance failure.

"7. The production aircraft delivered have been accepted by the government contingent on their meeting performance specifications which will 'evolve' from the R&D contract. After more than seven years of effort under the R&D contract, this 'evolution' has not taken place nor can any date be set in the foreseeable future when it will take place.

"8. The 'evaluation' requires, among other things, a detailed negotiation on thousands of engineering changes . . .

"9. Once this is done, the Government will downgrade the basic performance specifications in the contract. It then must be determined whether the hundreds of aircraft delivered meet this downgraded specification. If they do not, then the Government will have to determine on each plane the extent of and the reason for the deficiency. The Government will then attempt to negotiate an 'equitable' reduction in the price. The difficulties in this process are obvious.

"10. The Government now finds itself with 141 F-111As which are permanently limited in use because of the inlet and an underpowered engine. Further, all the planes delivered to date face the possibility of structural defects in the carry-through structure and the wings. The Government may be saddled with a multimillion-dollar retrofit program to make the planes delivered to date safe to fly.

"11. None of the 493 production planes delivered or on order will meet the performance required in the specifications . . . 'Mission requirements,' however, are undefined and will apparently be tailored to meet the actual performance of the F-111s on delivery. In any event, the 'mission requirements' will be severely degraded from that promised in 1962. For an expenditure of about \$9 billion the Government will receive at best 240 useable planes with a capability greatly scaled down from the original specifications."

The incredible part, to sum up, is that the U.S. evidently has no recourse. "The actual situation," Walsh concluded, "is that General Dynamics has manufactured and delivered hundreds of production airplanes without a binding performance specification. . . . The possibility of protecting the government's interests in such a negotiation (which has not even started yet) appears to be exceedingly remote. . . . The responsibility for this failure extends to the highest level in the Department of Defense."

#### DISTRICT OF COLUMBIA CRIME BILL

Mr. BAYH. Mr. President, I wish to offer my comments on the version of the District of Columbia crime bill passed by the other body and to urge the Senate conferees not to yield in their discussion of the crucial provisions contained in this bill.

Mr. President, the Constitution of the United States is truly a remarkable document. In times of peace and tranquility, the people, and their representatives, have admired and respected its principles and the values embodied in its provisions.

But the true test of the Constitution's durability—the true test of any constitution's durability—is its ability to endure during times of emergency and periods of social unrest.

In such times, our Constitution has performed well, and our people have demonstrated that the rights and free-

doms contained in the document are firmly embedded in the conscience of the Nation. There have been lapses, to be sure. During World War II, many Japanese-Americans were unjustly imprisoned and deprived of their property. But, on the whole, the wisdom of the Framers has prevailed.

I suspect that a time of testing is again approaching if, indeed, it is not already upon us.

I need not repeat the statistics which appear to indicate that the Nation as a whole and the District of Columbia in particular have experienced an enormous and rapid rise in crime. Whether these statistics are merely reflective of improved reporting procedures or whether they do in fact indicate a true rise in the crime rate or a degree of both these factors is not important at this time. What is important is the fact that the statistics have focused public attention upon the crime problem and that they have given rise to urgent demands for action.

Mr. President, I agree that we must take action. But we must take care that we do not, through design, haste, or oversight, forget the values and principles upon which this Nation is founded.

I am afraid that many provisions of the version of the District of Columbia crime bill adopted by the other body violate these principles. I believe that these provisions are either unconstitutional or extremely unwise.

One provision which has received much attention is the provision dealing with what has been termed "preventative detention." This provision provides for 60 days detention of criminal suspects who are alleged to have committed a "violent" or "dangerous" crime prior to their trial.

Mr. President, this provision appears to be very unwise to say the least. There is little evidence to justify a belief that its enactment will reduce the crime rate. At most, its enactment will result in increased court backlogs and the unnecessary incarceration of innocent persons.

More importantly, this provision, which goes far beyond the common law, raises serious constitutional questions when considered in light of the eighth amendment's guarantee of "reasonable bail," the sixth amendment's guarantee of "access to counsel, and the opportunity to participate in preparation of a defense," and the fifth amendment requirement of "due process."

Another provision which has provoked a great deal of discussion is the so-called "no-knock" provision. This portion of the statute provides for immediate police entry into private homes without knocking and without identification when the officers act in the "reasonable belief" that evidence is likely to be destroyed or when notice would be "a useless gesture," whatever that may mean.

Mr. President, one of our more sacred rights is the right to be secure in the privacy of our own homes. This right, protected by the fourth amendment, is placed in grave jeopardy by the "no-knock" provision which, again, goes far beyond the common law.

Unfortunately, the danger to the

fourth amendment does not result solely from the "no-knock" provision. The amendment is further endangered by those sections of the bill dealing with wiretapping and with the performance of chemical, medical, or scientific tests or experiments on any person who happens to be present when a search warrant is executed.

The provisions governing wiretapping are especially pernicious. They make no exceptions for ordinary privileged communications, such as doctor-patient, priest-penitent, and lawyer-client, and go far beyond the limits established in the Omnibus Crime Control Act of 1968.

In addition to these highly dubious provisions, the bill contains sections which are retrogressive in light of modern theories of criminology.

Most authorities agree that of all those who engage in criminal acts, youthful offenders are the most susceptible to rehabilitation. Despite this, the bill makes no effort to improve the juvenile code. Rather, the bill does much to destroy the advances which have already been made.

The bill makes trial as an adult mandatory for those between 15 and 18 under certain conditions unless the child proves that there are reasonable prospects for his rehabilitation. Once a child has been tried as an adult, he can never again be tried as a juvenile, even if he is acquitted.

Assuming the child succeeds in proving that there are reasonable prospects for his rehabilitation, a reversal of the prior requirement that the Government prove that there is no prospect that he will be rehabilitated, he is tried in a manner which will permit a declaration of delinquency upon a preponderance of the evidence rather than upon evidence which establishes his delinquency beyond a reasonable doubt. Finally under the bill, a juvenile sent to a juvenile treatment facility can be easily transferred to an adult prison facility without the benefit of the procedural protections provided an adult before being sentenced to prison.

All of these provisions clearly constitute a step backward and their enactment should be strenuously resisted.

Two other extremely unwise provisions deserve mention.

First, the bill requires mandatory life imprisonment with no parole for 20 years and no suspension or probation at all upon conviction of a third crime. This third crime, as the distinguished senior Senator from North Carolina has noted, could be "tampering with a gumball machine."

The elimination of flexibility is clearly undesirable. Suppose a man is convicted of two crimes in his youth and is subsequently convicted of tampering with a vending machine. Should this man be sentenced to life imprisonment? Rather than permit injustices such as this to occur, prosecutors will not prosecute and juries will not convict, and thus the type of crime will in many instances go unpunished altogether.

Second, the bill provides for the transfer of the Lorton facilities to the Federal Bureau of Prisons. This provision will result in an unnecessary bifurcation of responsibility in that women convicted of

crimes in the District will be sent to facilities under the jurisdiction of the Federal Government. This transfer, which will be of no benefit to the District or the Federal Government, should not be permitted to occur.

Mr. President, I have discussed today only a few of the pernicious features of this bill. Many of these features were included in the bill for the first time by the other body and have not been separately considered by the Senate. The remaining provisions are far broader than the versions adopted by this body and, as such, are either unconstitutional or very unwise.

Mr. President, the people of the District of Columbia are not second-class citizens. We cannot permit them to be treated as such and we cannot allow these provisions to become a model for the Nation. I urge the Senate conferees not to yield on these provisions. We can and must deal more effectively with the increased problem of crime and violence. But surely we have the responsibility and the ingenuity to do so in a manner which will not do irreparable damage to the constitutional fabric of the American system.

#### ENLIGHTENMENT BY THE PRESS

Mr. CURTIS. Mr. President, I wish to report a degree of enlightenment that I never thought I would attain.

It is not every day, you know, that I read the Washington Post.

The newspapers of my own State are far more important and contain far more pertinent information, and, I might add, every one of them, including all of the country weeklies, is better edited than the Post. I have never found either a mediocre or a bad newspaper in Nebraska, and I try to read all of them.

So it is not every day that I get around to reading the Washington Post. Indeed, sometimes a whole week goes by, and when I am out of town during recesses perhaps 2 or 3 weeks or more pass without my seeing a copy of the journal published in the haze of downtown Washington.

But today was an exception, and a rare one, Mr. President. I don't know why it happened this way, except I guess the papers from Nebraska were a few minutes late arriving in the mail at the office, and a visitor happened to leave a Post there, so I picked it up and looked at the front page.

There I beheld as startling and revealing a piece of news as I have ever seen the front page of a newspaper in the 32 years I have served in Congress.

It was truly enlightening. The word had been handed down from on high, by one of the Post's own special story writers, filtered through the rewriters and headline writers and editors to become emblazoned in an esteemed position on the front page, the glorious and profound word that Mao Tse-tung, the top leader of Communist China, had made a rare pronouncement opposing and attacking the policies of President Nixon, and appealing to Americans to revolt against these policies.

Now I realize that this is such a rare



and revealing declaration that the Post's editors saw fit to print it on the front page, despite the fact, I am told, that another Washington paper, the Evening Star, beat the Post to the story by running it on the front page yesterday.

This comparison provides an interesting contrast in the importance which the Post attaches to certain of its articles after the same news has appeared in the columns of one or more of its competitors.

Yesterday there was a very revealing article by John T. Wheeler, of the Associated Press, describing how President Nixon's decision to send troops into Cambodia had disrupted Communist Hanoi's timetable for harassing and killing American troops in South Vietnam, and for chasing the Americans out in something short of an orderly process, so that the Communists could overwhelm the South Vietnamese, thereby making all of our years and lives of effort to preserve the freedom and right of self-determination of the South Vietnamese people in vain.

I think I can rightfully interpret the information in Mr. Wheeler's article as favorable to the President's position and the success of what he is trying to do.

The Washington Star saw fit on the evening before last to place Mr. Wheeler's article on page 3 of its first section, giving about three-fourths of a column to it. The Washington Post followed yesterday morning by cutting the story in half and carrying it on page 26.

I do think that the editors of the Post, the Evening Star, the New York Times, and any other papers which carried the Mao Tse-tung pronouncement on their front pages owe it to their own logic and to the American people to do research and publish a followup story.

I believe they should send out their reporters to take a poll of the top leaders of all the Communist countries to find out how all of them feel about President Nixon's policies.

I mean, Mr. President, that I do not think Mao Tse-tung should be given to feel that he has any kind of monopoly control on the front pages of the big eastern U.S. newspapers for the expression of the Communist line.

I think the editors out of fairness to all should let us know, too, how Kim Il Sung, of North Korea, and Le Duan, of North Vietnam, feel about President Nixon's policies, and perhaps even Podgorny of Russia.

And what about Fidel Castro, of Cuba, and Gomulka, of Poland, and Ulbricht, of East Germany, and Losonczy, of Hungary?

And certainly they would not want to overlook Ceausescu of Rumania, Llieshi, of Albania, and Traikov, of Bulgaria.

I hope the editors of the Post and other papers that carried the word from Mao on their front pages will pursue this poll of other Communist leaders on President Nixon's policies with the same sense of dedication and devotion to duty that they displayed in obtaining and publicizing Mao's views.

I feel very strongly, Mr. President, that the American people have a right to know.

#### FUTURE ENERGY POLICIES OF UNITED STATES AND CANADA

Mr. BELLMON. Mr. President, in an address on May 12 by the Honorable J. J. Greene, Minister of Energy, Mines, and Resources, for Canada, to the mid-year meeting of the Independent Petroleum Association at Denver, Colo., holds information of deep and lasting importance to our entire country. The message of the Honorable Mr. Greene, who apparently was speaking for the Trudeau administration, is one which has vast importance to our Nation, in that it relates not only to the future energy policies between the countries, but also because it points out a growing disenchantment and even antagonism of the Canadian attitude toward our country. When Mr. Greene says:

A part of the cause for the rise of that new Canadian nationalism and a determination to build something unique, rests in the malaise that exists in your land—what appears to many as the sudden and tragic disappearance of the American dream which, in some ways, has turned to a nightmare.

Vietnam and Cambodia—disorder in the streets and on the campus—the disaffection of the poor—the colored people, and youth—the writings of Reston and Wicker—and as recently as the last few weeks, the speech of President Brewster of Yale—indicate to many of our people—particularly our young—that we should not seek to make the American dream ours.

He speaks only to the Independent Petroleum Association and addresses himself to our entire Nation.

When Mr. Greene says:

Canadian gas will be available to supplement United States supplies only if our petroleum industry as a whole receives the incentives of progressive growth and assured stability of access to export markets for oil and natural gas liquids.

We have recently determined that a major proportion of a resource essential to our future well-being, uranium, will remain in Canadian hands. We are currently undertaking a complete review of foreign ownership of our resource and industrial entities.

And—

Canadians are now determined that the time has come to take stock and to assure that a substantial proportion of the future growth remains in Canadian hands.

He is making a pronouncement of immense importance to the investors of this Nation and to citizens of this Nation whose ability to meet its energy needs from domestic sources has been sharply reduced by recent congressional action and which is facing an imminent critical shortage of natural gas and electrical energy.

Mr. Greene's comments deserve the careful attention of Members of Congress and policy makers throughout Government and in the private sector as well.

I ask unanimous consent that the text of his remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE HONOURABLE J. J. GREENE, MINISTER OF ENERGY, MINES AND RESOURCES, CANADA

#### INTRODUCTION

May I say how much I appreciated the invitation to address your gathering.

I count it as an honour that you have seen fit to add my name to the distinguished list of guest speakers featured at these mid-year meetings.

And I value it as an opportunity to present a Canadian viewpoint for the first time since my friend and colleague, Jean-Luc Pepin, addressed your fall gathering in 1966.

I could have chosen to make the traditional speech of a visiting Canadian fireman to your great country, "Old No. 23," that all Canadian politicians, orators and other persons who pop off internationally from time to time have filed away on the shelf and which they dust off whenever they come your way. You know it so well. You have heard it often enough. It talks of the two hundred years of friendship—the longest unguarded border in the world—and the fact that we are the world's greatest trading partners. Yes, I could have given you "Old No. 23." It would have been easier and far less risky.

But these are difficult and perhaps critical times in which we live. Critical for the system of freedom to which we both subscribe. If that system and our way of life is to prevail and if Canadian-American friendship, harmony in our relationships, and economic good sense in the trade and economic arrangements between our two nations is to be maintained in future years, then our deliberations must be based on the presentation of the facts as they exist—on truth, as it is, not on things as they used to be, or as we might have liked them to remain. The posture of wishful thinking, of looking at the current scene in the light of past values, was that of all societies which foundered throughout history because they saw things through the opaque lenses of the yesterdays, rather than in the clear hard light of them—truth.

It is so human to look back wistfully at the comfort and security of the known—to avoid the vastness and challenge of the new, and the unknown. I concluded that it would be the mark of a real friend—because the real friend does speak his mind, does not merely pander to likes and dislikes, not to give you old "No. 23," but to speak to you the truth as I see it, despite the fact that amid the truth there may be some gall. If I speak to you here of the facts as I see them, and of the truth as it exists in the relationship between our two countries, not only on matters of petroleum and energy policies but in the broader prospect of the relationship between our two peoples, it is because I believe sincerely that the maintenance and growth of that friendship will be better nurtured in the tough outdoor garden of truth than in the sheltered greenhouse of polite exchanges.

To begin at the beginning, I know you maintain a lively interest in the Canadian oil scene. Indeed you number among your membership, companies with substantial exploration and production activities in Canada and also those which import and refine Canadian oil in this country.

In preparing for this occasion, I have tried to learn something about your Association, its aims, history and activities. I might say that I have been impressed:

Impressed by the breadth of its membership which encompasses not only petroleum companies of all sorts and sizes but also service companies, banking and financial organizations;

Impressed with the vigor and resilience of your Association, now in its fifth decade;

Impressed, too, by the scope of your activities as reflected in the various committees meeting here during these four days.

We in Canada have come to value and admire the competence of the work done by I.P.A.A. in the technical field and in connection with the joint association surveys. We have watched closely the stands which you have taken on a variety of issues, realizing the importance of your Association's voice.

In this connection we recognize that you have taken a generally moderate line on the matter of imports of Canadian oil. I gather your position is that if the United States is going to have oil imports they could better come from Canada than from anywhere else. Since it does appear that growing import volumes will be needed, I can heartily endorse the line you have taken.

Although I detect support for this approach among your elected representatives, it would seem that this particular view does not at the moment prevail in official Washington.

#### CONTROLS ON IMPORTS OF CANADIAN OIL TO DISTRICTS I-IV

The Canadian government deeply regretted the imposition of quantitative restrictions on our exports of crude and unfinished oils to Districts I-IV.

We do not consider that these controls are in keeping with the conditions of trade in oil which both our countries have sought to preserve over the years.

Nor do we find them compatible with the traditional basis for trade and economic relations between the United States and Canada.

We have made these views known to the United States government, both officially and unofficially; in so doing we have urged that its decisions should be reconsidered and the controls removed.

I believe our two countries have had, still have and will have a mutual interest in the furtherance of trade in oil between them.

This mutual interest has existed for many years. It was symbolized in the "overland exemption" provided for Canadian oil by President Eisenhower in 1959.

We attach great importance to the declared intention of your government that its controls on our oil are to be temporary.

And we are mindful of the fact that these temporary restrictions are causing problems of varying severity for refiners in the northern States, some of them members of this Association.

It would be instructive, I think, to examine briefly how this situation arose.

#### THE CANADIAN OIL EXPORT PROGRAM—JANUARY 1968—MARCH 1970

Since 1968, our export program for Districts I-IV has been based on an understanding entered into with the U.S. government in September, 1967. By this arrangement, Canada undertook that, short of imposing formal controls, exports of refinery feedstocks would not exceed certain predetermined levels through 1971. Canada further undertook that no sales would be made in the Chicago area prior to 1970 and that the growth needs of existing customers would be satisfied before export volumes available under the arrangements were directed towards development of new markets.

This sort of arrangement between our two countries was not new. In seeking export growth, we have always tried to accommodate the legitimate policy concerns of the United States authorities. At times this has involved Canada's entering into specific commitments. Such was the case in 1967 when, in view of the proposed large diameter looping of the Lakehead pipe line via Chicago, the United States government desired assurances regarding our export volumes and their geographical disposition.

Canadian responsiveness to these desires was reflected in the qualified assurances embodied in the 1967 arrangements. What the agreement did not reflect were Canadian misgivings about the assumptions regarding oil supply, demand and price which were implicit in its terms.

As to implementation of these arrangements, during the first part of 1968, the prescribed rate of export was exceeded, with the knowledge and consent of your government officials pending completion of Cap-

line and attendant facilities for delivery of United States domestic oil to the upper mid-west, and for the very purpose of meeting an extremely difficult situation in the U.S. by reason of the delay of Capline. When the new pipe line connections were in place, Canada exerted vigorous restraining efforts to roll back exports from 350,000 b/d in the third quarter to some 280,000 b/d in the fourth. The latter volume being that envisaged for the year in the 1967 document. This was done at the demand of the then-administration, made despite our stated co-operation in the earlier part of the year, and made with clear knowledge of U.S. officials that the alteration of then-established economic patterns of oil flow by such radical and arbitrary cut-backs would create great difficulties not only for our customers in the United States, but for us in Canada, in political and economic terms.

We thus ended up 1968 with an average "feedstock" export rate of 307,000 b/d.

I want to comment on these numbers because I know how concerned this Association has been about the so-called "Canadian overages".

Public assessment of our performance against target has typically been made by setting total recorded overland imports from Canada against the estimates of such imports rolled into the Secretary of the Interior's annual calculation of licensed imports to Districts I-IV.

Thus, for 1968 you compared total actual imports of 329,000 b/d against the estimate of 280,000 b/d. And you made some noises. Understandably.

You did not at that time know that our export target was also 280,000 barrels a day and that it related to refinery feedstock, a category broadly comparable to "crude and unfinished oils" but having a coverage approximately 22,000 b/d less than the "all oils" number rolled in by the Secretary and recorded by the Oil Import Administration. Nor were you to know that a necessary element of flexibility had been introduced during the year.

This was not the first time that the basic "targets" agreed between Canada and the United States had been different from the "rolled-in numbers". Nor was it the first time that adjustments had been arranged during the life of an agreement.

To revert to our experience with the 1967 arrangements feedstock exports rebounded in the first quarter of 1969 despite our National Energy Board's continued efforts to keep the situation in hand. The high export level was associated with seasonal factors and also with an expectation on industry's part that prompt action would be taken to renegotiate the 1967 arrangements with the new Administration.

We started to talk with Washington in April 1969 and intermittent discussion continued at various levels throughout the summer. The message we got loud and clear was "hold the line". This we strenuously endeavored to do.

Our efforts in this regard were greatly handicapped by the sharp increase in United States crude oil prices which had taken place in the first quarter and which brought your average price up by some 15 cents a barrel. You know better than I how significantly this added to the already strong pressure of demand for Canadian oil. Nevertheless we were able to throttle back our feedstock exports to within a few thousand barrels a day of the 306,000 b/d rate prescribed for the year. In doing so, we secured assurance of the cooperation of all but three of our refiner-customers in District I-IV. But it appears that an 80% batting average was just not good enough in this ball game. Competitive pressures resulted in an increasing number of companies exceeding their target levels.

The situation in regard to compliance

deteriorated in the fall of 1969, although we were still able to uphold the moratorium on Chicago deliveries.

When this expired at the beginning of 1970, we faced a runaway situation. Canadian oil started to flow for the first time into Chicago refineries, and our established customers predictably responded by further increasing their takes. The situation was compounded by the unusually cold weather experienced across the northern States this last winter.

We kept in close touch with your officials both directly and through our Embassy. The crucial talks took place in Ottawa in mid-February. We were again prepared to accept the responsibility and the administrative burden of restraining exports but we were only willing to do this at a level which, in our judgment, would be capable of achievement without imposition of formal controls across the board. This position proved unacceptable to your government and a month later the new Presidential Proclamation was issued.

The task of allocating among a group of American refiners, whose number has doubled to thirty, a volume of Canadian imports approximately 200,000 b/d less than current market demand for that oil has now fallen on our Washington friends. They have our deepest sympathy because the interference of officialdom with the natural economic law of supply and demand, is ever a difficult exercise.

I think the difficulties we faced in trying to allocate available volumes under the voluntary arrangements of the past are only just being realized in the United States. And coupled with this realization may be some appreciation of the job done by the National Energy Board as long as there was a ghost of a chance of retaining the voluntary system desired by both countries.

There were of course those in the United States who felt that we should have put on formal export controls. To them, I would say that this was a political impossibility in Canada, as well as going beyond what we had committed ourselves to in 1967.

If you remain unimpressed by this, then I ask you to reflect on the situation—political as well as economic—which would have arisen in the United States had Canada attempted to enforce the 332,000 b/d number stipulated in the 1967 arrangements for the year 1970.

Looking back, I think it was the increase in United States oil prices in early 1969 as much as anything which caused the breakdown of the voluntary program based on the 1967 arrangements.

#### THE PRICE OF CANADIAN OIL

I know that your Association has long maintained a lively interest in the price of Canadian oil and that for a variety of reasons. I have a feeling that some of you may have wondered whether the Canadian oil industry has taken full advantage of its price opportunities in the U.S. market.

You will recall that for many years the wellhead price of Canadian crude was aligned with that of competing U.S. crudes in the domestic markets which were successively developed for our indigenous oil.

When Canadian oil first reached Ontario and thereby came into potential competition with overseas crude, Canadian pricing came to bear a relation to world-wide oil prices. But that was in the mid-1950's when U.S. prices too were related to those in overseas exporting areas. So there was no basic dichotomy in Canadian pricing.

Prices in both countries were adjusted sharply upwards in 1957 reflecting a general world price increase. When world prices started to fall after the end of the first "Suez crisis" Canadian and U.S. prices followed suit. The Canadian industry went further in this respect than the U.S. because demand for Canadian oil was much more se-



verely affected by the post-Suez recession than was demand for American crude. Moreover, the Canadian industry did not receive protection of the sort which was developing in the U.S. from 1957 onwards.

This differential post-Suez price movement was the start of a Canadian oil price dilemma which has been with us these last ten years: should the Canadian industry cut prices in order to remain fully competitive with overseas oil in Ontario or should it raise prices in order to maximize its revenues from export sales? We were unable to emulate the textile trade and build a "two-way stretch" into our oil prices.

Thus, since 1959 your prices have gone up by something like 20 cents a barrel whereas world prices have fallen sharply and our prices have remained substantially unchanged in United States dollar terms.

Of course, the gap between Canadian and United States prices in key refinery markets of the northern States is much greater than the 20 cents by which your prices have gone up since 1959. There already was a differential because our prices fell more heavily than yours in the late 1950s. Moreover, the marginal domestic crudes against which the Great Lakes refiner compares Canadian oil are no longer Illinois basin, Kansas or even Oklahoma crudes but oil drawn long distances from west Texas or Louisiana.

On the basis of a pro-forma comparison, light sweet Canadian crude might lay down in Chicago at some 50 cents per barrel cheaper than comparable District III oil.

But such comparison could be misleading. After allowing for the "quota penalty" of using Canadian oil and for any differences in refining value, for the refiner's producing and pipe line interest in the two countries, the effective cost differential to a refiner of the two crudes may be found to be much less.

Canadian oil is attractive to many of your northern refiners primarily because they lack access to incremental sources of domestic oil. But in the large refining centres of the lower Great Lakes it does command a cost advantage over most alternative United States supplies.

Looked at from a United States producer's standpoint, we would find it difficult to see that Canadian oil creates particular price problems in that it has not to my knowledge had a decisive impact on the price of United States domestic crudes.

From the standpoint of the northern refiner, introduction of Canadian oil promises to give him the sort of crude oil costs which refiners in the South-West have long enjoyed.

I'm sure that the desirability of a rise in the price of Canadian oil has been periodically considered by the companies which post prices for this oil. I'm equally sure that such an increase has been rejected mainly on the grounds that it would make the Ontario situation intolerably difficult by further widening the already significant differential between oil prices in our eastern provinces, which draw on overseas supplies, and prices in that part of Canada which is supplied by domestic oil.

We recognize this matter of price as a problem in the context of both our domestic and our export programs. It has an obvious bearing on the balance of consumer and producer interests as well as on the question of regional interests, which both our governments seek to maintain. In terms of immediate significance, our determination to defeat inflation is the top priority of our government. Thus any question of price increases is especially sensitive, as government action which would contribute to price increases, would set a poor example indeed for the business and labour communities, when we are urging both to hold the price line. The price issue, however, does remain one that requires careful study in our own review of national oil policy.

#### CANADIAN OIL POLICY REVIEW

Like the United States, Canada has been attempting a careful reappraisal of oil policy. We embarked on a review at about the same time that President Nixon announced the setting up of his Cabinet Task Force to review your oil import policy.

Our two countries have gone about this task in characteristically different ways. We have chosen to work away assembling information, receiving views from a multiplicity of sources, sounding out opinion and conducting analysis, all without undue exposure to the limelight of publicity.

Frankly, as Minister responsible for oil policy, I cannot help but feel that there are some advantages to this approach. My impression is that the controversy attending the work of the Shultz Committee at times appeared to generate more heat than light.

Nevertheless I can assure you that our review is no less thorough for being conducted so far largely in private. I am determined to bring to bear in our review the broadest range of views and sound opinion from all sources. To this end, I have committed myself to regular consultations with our petroleum associations and I have established the National Advisory Committee on Petroleum which is providing one valuable input to our policy deliberations. Additionally, I maintain an "open door" towards all companies and individuals who may wish to see me and make representations. And interested individuals and organizations have not been slow to make their views known about the direction which Canadian oil policy should take. All of these opinions are being taken into account, documented, collated, and compared.

Pending completion of our review, the government has taken steps to uphold the national oil policy which has served us well for nearly a decade. You will recall that under this policy the oil requirements of Canada west of the Ottawa Valley are to be supplied substantially by products derived from Canadian crude. Continued achievement of the objective was threatened by the movement of foreign-origin motor gasoline into this area and last Thursday I announced the introduction of licensing procedures for imports of gasoline to Ontario and our eastern provinces. The purpose of this system is to uphold the oil policy. It should not be mistaken for a fully-fledged oil import control system such as you have had since 1959.

Our study is taking longer than did the work of your Task Force. This is partly because it covers not just the matter of import policy but the whole spectrum of the industry's activities and its related problems.

Let me elaborate a little on this last point. We in Canada are still at a very early stage in the development of our oil resources. I am told that we have found perhaps 10% of our total potential reserves of 120 billion barrels of crude oil. But our difficulty is that we do not know where, when or in what volume the major resources which we believe to be present in our "frontier areas" are likely to be discovered and developed.

By contrast, the oil resources of your lower 48 States are in a mature stage of development—perhaps half or more of total ultimate reserves have been found. The general areas of oil occurrence are fairly broadly delineated.

These differences are important to bear in mind when considering the relationship of our respective oil economies to the worldwide industry.

The U.S., once the world's largest oil exporter is rightly concerned to establish the extent and rate at which overseas oil should supplement domestic resources.

In Canada, our basic policy concern is to define the extent to which imported oil can be displaced by domestic material. There are grounds for believing that we may for the

moment have reached the limit of import displacement and to question whether our discovered resources in western Canada are adequate to permit the further major displacement of imports on an economic basis. For this reason, we are bound to watch developments in our frontier areas with the greatest interest.

This uncertainty as to the timing of development in Canadian frontier areas constitutes a major difficulty we face in coming to basic conclusions regarding any changes in our oil policy.

The second basic uncertainty is the extent and conditions of our access to the U.S. market.

#### LONG-TERM EXPORT OUTLOOK

I think most of you will appreciate why we regard it as most important to clarify where we stand as to our export markets.

Here are some of the reasons. About 45% of our oil is exported, 98% of these exports go to the U.S.;

The U.S. has just reviewed its import policy and interim action directed towards its modification is in hand;

Kind things have been said by U.S. policy makers about the desirability of looking to Canada to supply a large part of the growing volumes of imported oil your country will need;

But at the same time it has been recommended by the Shultz Committee that arrangements for free access for Canadian oil to U.S. markets should be contingent upon the negotiation of a "suitable energy agreement" with Canada.

Our desire for clarification of these matters is, I know, shared by many of your members whether as explorers and producers in Canada, refiners of Canadian oil in the U.S. or producers of U.S. domestic crude. We realize that "hang-ups" of this sort represent a major obstacle to you in industry in your operational and investment planning.

We were ready to talk with your government earlier this year. Indeed discussions between officials regarding the scope and nature of future energy talks had already started when the wrench of arbitrary import controls was thrown into the machinery of negotiation.

This stopped all activity for some weeks, but we have recently had an approach from your government to resume talks. However, a situation in which a large part of our exports are under control represents a less-than-ideal environment in which to hold discussions. For this reason, it is difficult for me to be precise as to timing of talks. The unilateral action on quotas has created for us grave political problems which I am very sure were not considered by U.S. officials who recommended the arbitrary shut-off and restrictions. Canadian public opinion is interpreting this as a pressure play, to squeeze Canada into some form of energy deal which would not be to the Canadian advantage.

Prime Minister Trudeau has described living next door to the U.S. to be a little like sleeping with a friendly elephant. Canadians interpret the unilateral oil cut back as the elephant rolling over on top of the poor Canadian mouse. A physical condition which is not only uncomfortable, but a difficult posture for the mouse, from which to begin long-term energy discussions.

When the time does come to sit down with representatives of your government, we shall want to find out more about what they have in mind with regard to an energy deal, and what arrangements can be achieved which are in the Canadian interest and yet of benefit to the United States.

What we seek are realistic trading arrangements in respect of oil which would secure that Canadian oil enters United States markets on a normal commercial basis.

I recognize that this simple goal may prove difficult of attainment. But I am confident as to ultimate success because I believe that such an outcome would be entirely consistent with the basic complementary of resources and requirements in the two countries and the mutual benefit of our two peoples.

#### SUPPLY SECURITY OF CANADIAN OIL

The matter of supply security is going to come up in any negotiations regarding access for Canadian oil to U.S. markets.

Concerns have been expressed in the Shultz report and, orally, by American officials, that dependence of eastern Canada on imported oil carries unfavourable implications for the security of deliveries to eastern Canada and to the U.S. in conditions of world oil supply emergency.

Specifically, there have been suggestions that in an emergency western Canadian oil might be diverted from U.S. markets to meet needs in eastern Canada if adequate tankerborne supplies were not available to that area.

Secondly, it has been suggested that the U.S. would have to be prepared to make emergency deliveries of its domestic oil to eastern Canada if overseas supplies to the whole eastern seaboard of North America were curtailed.

As to the security of our export deliveries to United States markets, this has surely never been seriously challenged. Indeed, the work of the U.S. Cabinet Task Force on oil import control tended, if anything, to confirm the reliability of Canadian supply. Diversion to eastern Canadian markets of oil flowing to the U.S. would not at present be possible because of the absence of the necessary pipe line connections. And having regard to the long standing arrangements between our two countries in defence, trade, and other areas, I cannot find it credible that we would divert such supplies unless by mutual agreement for a common purpose, or that we would violate trading agreements that were in effect between us.

As to the question of supply of U.S. domestic oil to eastern Canadian markets in crisis conditions, some movements took place during the Suez crises of 1956-57 and 1967. However, we shall point out to your government that the additional Canadian supply made available to U.S. west coast refineries, exceeded by a large margin the emergency deliveries we received from you in the east.

This is not to say that we are complacent as to the matter of east Canadian oil supply security.

Hitherto, we have not considered the danger of supply interruption to be such as to require revision of our policy. But there are changing circumstances and we have this question under careful examination in the context of our review of national oil policy.

If we conclude that a problem exists, then we shall seek to apply solutions appropriate to Canadian circumstances. These might include storage in eastern Canada, arrangements to exchange Canadian for U.S. oil in an emergency or the supply of some western Canadian oil to our eastern provinces. A complete answer could, of course, come with discovery of large oil resources on the Atlantic Shelf or in the Canadian Arctic.

In these circumstances it must be left to us, to Canada, to evaluate the matter of oil supply security in eastern Canada and to take any appropriate action. I am convinced that the solutions which will prove to best serve our joint interests will be those very solutions we come to as being the Canadian solutions in the Canadian interest.

This aspect of freedom of domestic policy-making is most important to us. We believe our national and international, political and economic circumstances are such, that we must retain freedom to apply Canadian solu-

tions to Canadian problems. This is an important consideration entering into any discussions we may have with your government regarding long term arrangements on oil. The Canadian people would not tolerate decisions affecting Canadian security being made at the insistence of non-Canadians, even to win in the prize of larger oil markets.

#### NATURAL GAS

One Canadian energy commodity which is likely to face minimal obstacles on importation to the U.S. is natural gas.

The U.S. faces a difficult, some would claim critical, supply-demand situation in respect of natural gas.

We in Canada have established a substantial natural gas resource base. And the potential for this hydrocarbon is expected to match that of oil. Supply which has been declared surplus to domestic needs by both federal and provincial authorities is available for export.

Any such surplus is likely to be very readily absorbed in the U.S. market. And there are clear indications your government and the Federal Power Commission would like to see steps taken to accelerate the volume of Canadian supply available to the U.S.

This is a far cry from the situation of a few years ago when the Energy Board and your F.P.C. were at considerably more than arm's length on this matter.

I believe your Association's policy was to recommend restriction of Canadian gas imports to a fixed proportion of total U.S. supply. I think your position here had considerably less to commend it than the line you have taken on Canadian oil imports.

Our National Energy Board currently has before it applications for licences for further large export volumes. At the same time the Board is reviewing the criteria used to satisfy itself, as by Statute it must, that the quantity of gas to be exported is surplus to reasonably foreseeable requirements for use in Canada.

This matter being *sub judice* it would be improper for me to comment further. I would, however, make two points.

First, viewed against the scale of United States needs, Canadian gas resources likely to be available for export presently appear relatively small. To illustrate: Based on resources in the western Canada sedimentary basin, we might have about 1.6 trillion cubic feet available for export in 1990, not much more than double the current annual volume. I feel it would be wrong for your industry and your policy makers, if they were so tempted, to look to Canadian supplies as a panacea for the ills of the American natural gas industry.

Secondly, Canadian gas will be available to supplement United States supplies only if our petroleum industry as a whole receives the incentives of progressive growth and assured stability of access to export markets for oil and natural gas liquids. Should this happen, it has been estimated that the western Canada sedimentary basin supplemented by our frontier areas, could supply as much as 5.4 trillion cubic feet to export in 1990.

#### TAX POLICY

This matter of incentives is very important. I'm convinced of the need for appropriate investment climates to secure the objective of maintaining a vigorous, innovating petroleum industry to make the best use of our resources. And tax policy is, of course, an important element in such climates.

All of you who have interests in Canada will be aware that our government has made public proposals for tax reform. These are being studied closely and debated vigorously. The government has determined that a thorough overhaul of our whole tax system is required, one which will touch nearly every

personal and corporate taxpayer. The petroleum industry is not the least of the affected parties.

This matter of tax reform is outside the immediate scope of my portfolio. But I would judge it unlikely that in implementing its proposals government would ride roughshod over the petroleum industry's best interests. In particular, I cannot see that it would legislate a tax climate in which the Canadian petroleum industry would be put at any significantly increased disadvantage compared with the industry in the U.S.

Which takes me to another aspect of our relationships in the petroleum industry, and at the same time to the doorway of the broader aspects of the relations between our two countries. This is the question of foreign ownership of Canadian resource and other industries. We have already adopted laws which assure the ownership by Canadians of our commercial banks, federally incorporated trust, loan, and insurance companies, our radio and television industry and our newspapers.

We have recently determined that a major proportion of a resource essential to our future well-being, uranium, will remain in Canadian hands. We are currently undertaking a complete review of foreign ownership of our resource and industrial entities. I feel very certain that if, in America, some 70 per cent of your petroleum industry and some 60 per cent of your natural resources, and some 50 per cent of your manufacturing industry was owned by non-Americans, you would share an equal concern. The problem of the absentee landlord was that which kept that wonderful, yet apparently ill-starred isle of Ireland in turmoil not only over the years, but almost centuries.

We are fully aware that a good proportion of our economic well-being is founded on the savings of the people of other lands, largely American, who have invested in Canada and formed the basis of our economic growth. We are not unmindful of the fact that much of our well-being stems from this bounty, but Canadians are now determined that the time has come to take stock and to assure that a substantial proportion of the future growth remains in Canadian hands.

This is at least in part because of the changing nature of the basic unit of the world of business. The basic unit of the future will likely be the conglomerate having a national home, but engaging in multinational business in the open marketplaces of the world.

If a country does not participate at sources, does not assure that these new business giants are domiciled at home, such a country will become essentially a branch plant economy, with attendant diminution of opportunity for its young people. Canadians are determined to participate to the full in the tomorrows, and give to their gifted and able young people the opportunity to participate as Canadians, in Canadian entities, which will compete in this new kind of business world. This opportunity will not exist unless we make those determinations now, which will assure a greater Canadian control of our own industries and resources.

Yet, there is no question but that we shall require continuing and increasing sources of investment capital from abroad, if we are to maintain a satisfactory rate of economic growth. We are convinced that this can be accomplished by rules which will achieve a greater and growing proportion of Canadian ownership and still provide a just return to the foreign investor.

Which takes me, as I say, to broader questions of Canadian policy and Canada-U.S. relations. Our concern about foreign ownership is not a recent Canadian aberration standing alone and lonely. It is a part of a new and growing Canadian sense of being, and national purpose.

I, for one, have come but lately to the



conviction that a growing degree of Canadian ownership in our own resources and industries was essential to the maintenance of Canada as a free and viable and independent nation. I had always previously stated that the nationality of the shareholder was of little importance so long as the corporation behaved in accord with Canadian law and in the Canadian interest when it did business in Canada.

But I had equally stated that if it came that Canadians determined to build something peculiarly Canadian, and unique, as their contribution to the total structure of man, then would be the time to review that question—not at such time with the question of foreign ownership standing by itself, but because of the very fact that Canadians had come to the conclusion that they wish to build something of their own.

Until recently I did not believe Canadians had reached this conclusion. Those Canadians who are candid, will admit that we were, until recently, quite satisfied to be but a small microcosm of America. Our only complaint was that we were not more so. You had more money—higher wages and incomes—than we did. This was the only beef, and the remedy of this defect was our chief aim.

But now the scene has clearly changed. Canadians are determined that they will build something which is clearly their own, and not the pale and small image of the great and powerful civilization to our south.

The important fact is that this new Canadian nationalism continues to be a positive force—that it be not anti-anyone, anti-any nation. Equally important that in our relationship with the U.S.A. it be possible to continue the kind of common sense economic decision and arrangement, which benefits both our people, despite the fact that, in the tomorrows, we will not be politically, socially or culturally so much like you as we have been in the past.

It is important that this new manifestation of Canadian nationalism and uniqueness, be not construed by you, as anti-American or as in any way restricting our continuing friendship. This change will indeed be the touchstone of our friendship. Real and lasting friendships are formed, and made more certain, when one friend takes paths that are not those of the other, takes attitudes and viewpoints which are not identical with that of the friend. If, despite such differences, the friendship lasts and grows, then it is in fact that type of friendship which will withstand all the vicissitudes of time.

If you in the U.S. do not construe our new mood as inimical to yourselves or your interests, and thence harden your hearts towards us, with inevitable reaction on our part, then indeed, this new neighbour, who will be quite different from you, will be an even better friend than the one who looked so much like yourselves.

I said at the beginning that I would state what appeared to me to be the truth about the Canadian fact, rather than those things which it might please you to hear, but which would not be in accord with the truth. So I will say to you that, yes, a part of the cause for the rise of that new Canadian nationalism and determination to build something unique, rests in the malaise that exists in your land—what appears to many as the sudden and tragic disappearance of the American dream which, in some ways, has turned to nightmare.

We wonder what did happen to that bright star of hope—equality of opportunity—the office boy to president ethic—the model for the European Economic Community and many nations of the emerging world which, as recently as the post World War II period, was the cynosure of all eyes—an example for all mankind.

Vietnam and Cambodia—disorder in the streets and on the campus—the disaffection of the poor—the coloured people, and

youth—the writings of Reston and Wicker—and as recently as the last few weeks, the speech of President Brewster of Yale—indicate to many of our people—particularly our young, that we should not seek to make the American dream ours. I would not be representing Canadian public opinion too candidly if I did not so state.

But this is not the whole story. The vast majority of us who are your true friends have faith that the present turmoil and dilemma is a passing aberration in the American dream. After all, you still are the people of the Marshall Plan. The fundamental humanity, decency, sense of fair play and justice of your people will assure that in time, the dream will be refurbished, and come out once more shining and clean and bright. But yes, this faltering will have been part of the cause for the new Canadian determination for a separate identity.

But there are other and positive reasons. The sudden blossoming of our great and untapped north country, peculiarly and completely Canadian—one of the last of the new frontiers in man's horizon—and one completely our own. Here Canadians and Canadian youth have found something of a dream of their own, where they can build anew, and avoid the errors of greed and haste and folly of the yesterdays. Where they can build without pollution and waste and where they can share the bounties of the new north with the indigenous peoples. Where they can build a society where the Indian and Eskimo peoples may maintain their own identity and cultures in dignity and respect.

Hence our declaration of sovereignty to the 12-mile limit, and the 100-mile area of pollution control from our northern shores to assure that we can and do build up this north under a clear ethic that economic progress will not be permitted at the expense of the ecology or the indigenous people.

There is nothing here of empty sovereignty, or petty jingoism, of pulling the feathers from the tail of the American eagle, or of hoisting a flag on a northern slope to satisfy the empty ego of the petty or posturing patriot.

Prime Minister Trudeau has stated our purpose in clear and unequivocal terms. We acted to fulfill our responsibility to humanity and the ecology in this area which we deem to be Canadian, and inferentially, if you like, this will be an essential aspect of that new Canadian dream.

If there are those who fear that our motivation in these things is that of anti-Americanism, I should point out that a substantial proportion of the professors, associate professors and instructors in our universities are American and American educated. Many of these are men and women who have come to Canada because they share our aspiration to build anew. There are those among Canadians who fear that because of the very quantum of U.S. professors in our colleges, that we should beware lest we be brainwashed. I have no fear in this regard. The humanist, whatever his nationality or origin, shares the same ideal and the same goal—the enlargement of the human spirit. Certainly if the motivation of our new nationalism were anti-American, we would not permit a large proportion of our youth in its most formative stage to be left to the direction of American teaching.

We see a manifestation of our determination for our own identity in our insistence in a growing degree, on Canadian content in our radio and television programming, as directed by the Canadian Radio-Television Commission. We have not gone to the extent of jamming the air waves along the border, but who knows—even this might come. We believe we can achieve Canadian quality in our radio and television. We do not believe that pandering to the tastes and intellects of the least common denominator, with no attempt at using these media for the uplifting of the intellect or the enrichment

of the human spirit is the use Canadians will want to make of these powerful forces in the years ahead. We believe that the air waves can be used to give man a fuller life and make him a more complete being; this we believe, should be our purpose in their use, rather than merely supplying a medium for the hucksters and pitchmen.

In the realm of radio many, many of your own citizens who are within hearing distance, have told us that our Canadian Broadcasting Corporation is without peer in moving towards these objectives. We have yet to accomplish the same success in public television. It is still "Bonanza", "Baloney and Commercials". But we are also determined to encourage Canadian content and programming to develop our own creative talents, our writers, our producers and directors and performing artists and thence to find quality—a quality which will be Canadian.

Apart from electronic communications, we believe we have made a start at a unique Canadian contribution in the realm of culture. In the National Ballet, The Royal Winnipeg Ballet and Les Grands Ballets Canadiens, we have three companies that can hold their own in the regions, but a little below those of the very best amid the giants of the artistic world.

In the city of Montreal is an artistic milieu in the French language, peculiarly Canadian, fascinating in its variety and encouraging in its quality. And in most parts of Canada are local groups of artists doing things peculiarly Canadian based on the singular admixture of our culture fundamentally French and English, but intertwined and enriched with the strength of many ethnic cultures.

And here is probably the essential ingredient of our present national motivation. In the past few years a resurging spirit of nationalism has blossomed in our peoples of French-speaking origin. There were those among them who believe that they could only sustain their language and culture in political separation from the rest of Canada. Through the leadership of men such as Prime Minister Pearson and Prime Minister Trudeau, I believe we and they have been reassured. But this connotes that we must have a land from ocean unto ocean which is truly the home of our two founding peoples in language and culture. This means that we will have a Canada which is much more bilingual and bicultural than was ever deemed before possible or even desirable. It means our two cultures will compete and vie for excellence, and thence once more create a unique Canadian pattern.

And yes, sometimes there are indeed pitfalls in proximity to that great neighbour to the south. These pitfalls sometimes arouse in humble but very concrete ways, our determination to build our own house.

Among such manifestations meaningful to a great number of Canadians, is what has happened to a once-Canadian institution, the National Hockey League. The hockey game belonged to Canada and Canadians, and was a truly Canadian institution, a very real link in our national unity, an essential element in our Canadian culture, to such a degree that one pundit got himself into permanent and irrevocable hot water with the witticism that Canadian culture consisted of Maurice Richard and Lily St. Cyr.

But the lure of American gold and American TV was too great and the National Hockey League is now an American domain. All but two of the teams are Americans, though they are condescending, after loud and nearly violent protest from Canadians, to give us a third. And many of our real hockey fans, which means about 96 per cent of Canadian males, all of whom cut their teeth on a hockey stick, now burn over the fact that the game now belongs not to them, but to the American TV advertiser—everything from the time and place of the game to the nature of the production is in his

insensitive hands—and as the Canadian hockey fan says—"He doesn't know a puck from an apple." So it may well be we'll have them change the name to the National TV League of the U.S.A. and we'll have to form our own league to play hockey as she should be played—in the Canadian way.

I have cited but a few random examples of the manifestation of that new Canadian spirit of nationalism. There is no doubt whatsoever but that the Canadian people, and Canadian youth in particular, have a fixed and certain and unalterable determination to build that which is "their own thing", in the parlance of the day, on the northern half of this continent. I am convinced that this is not, and never will be, an anti-American demonstration, although I have candidly stated that some portion of the contributing factors to the new spirit have hinged on U.S. events.

I have chosen to say these words to you today at some length, because of my determination, which I know is shared by the very, very great majority of Canadians, that this changing Canadian syndrome will in no way diminish the friendship that exists between us. I believe, as stated earlier, that it will, if understood, strengthen our bonds. I have said my few poor words, to do everything in my power to reassure you, so that in our trade and business relationships, we will continue to do what we have done in the past, namely, make decisions based on good economic sense, and the rational use of resources, to the betterment of both our peoples. I have said my piece here that the demagogue or the chauvinist may not prostitute this new factor of Canadian national spirit to his sterile purposes. So that the rantings of the rabid and irresponsible few, which are ever played up as news, are not misinterpreted by you as being the voice of the Canadian people.

If a politician should have any gift—and many would suggest that he requires none at all—it is that of hearing, understanding and interpreting the voice of his people. If I have any portion of this gift, it tells me this. That the voice of my people cries out for a unique and distinct Canadian personality, which is not the replica of the U.S.A. or anyone else. But that voice also says equally clearly that it understands who its best friend is, and that it fervently desires that friendship to continue and to grow. It is desirous that you do not misinterpret the new Canadian spirit and thence make the friendship difficult. And hence it requires that such as I, who have the opportunity to come and speak to you, tell you this new story of Canada and reassure you as to the validity and soundness of our new course.

A great Canadian and former Governor General of Canada, Vincent Massey, once spoke of Canada and the United States as follows:

"I believe in our abiding friendship with our nearest neighbours, an honest friendship without either the subservience or the mimicry which must impair true partnership."

I suppose that in these words he prophesied some years ago the evolution of Canada which I have suggested to you today, has come to pass.

#### SECRETARY HICKEL'S REMARKS BEFORE THE NATIONAL PRESS CLUB

Mr. STEVENS. Mr. President, Secretary of the Interior Walter J. Hickel today delivered an inspiring talk to members of the National Press Club.

I ask unanimous consent that the Secretary's remarks be printed in the RECORD.

There being no objection, the address

was ordered to be printed in the RECORD as follows:

REMARKS BY SECRETARY OF THE INTERIOR  
WALTER J. HICKEL, THE NATIONAL PRESS  
CLUB, WASHINGTON, D.C., MAY 21, 1970

For years, the gifts of the American earth seemed boundless and inexhaustible.

They were the substance of our strength and the landscape of our aspiration. Their immensity and mystery were a challenge to us.

We tested ourselves against them.

We chopped and plowed our way across the land . . . three thousand miles to the rim of the Pacific.

In two hundred and fifty years we subdued a Continent created by the ages.

As the frontier was closing, we turned back on ourselves and plunged headlong into the age of machines.

The wilderness made us tough. Now we had machines . . . tough machines . . . and tough men who knew how to use them . . .

The land was our capital. To feed our brawling growth, we tore into the forests . . . mined the mountains . . . plowed the western plains . . . harnessed the rivers.

We believed in good hard work. A man was somebody who did a man's work.

We raced from the age of development into the age of anxiety. Our cities, uncontrolled and unplanned, began to melt one into the other.

People . . . more than two hundred million people.

More people . . . more concrete . . . more traffic . . . more miracles of progress.

In production and consumption we achieved a kind of greatness . . .

But at what a cost!

Just as the American dream seemed within reach, we found the limits of the American earth.

Now every major American city is afflicted with air pollution. Every major American river system has poison in it.

A third of our fresh water lakes are filthy.

So heavy is the air's cargo of dirt that the cleansing winds of North America are contaminated.

Air and water pollution travel without passport around the globe.

In the beginning we had so much natural wealth it seemed we could never use it all.

We grew careless and wasteful. We embraced every technical advance as progress.

We took for granted the abundance of nature, and failed to see how fragile it really was.

We turned our backs on our rivers and lakes—made them sewers and let them decay.

Our supply of fresh water is enormous, but so is our need . . . fifty-six million gallons of water are required to sustain the life of every American . . . and every eight seconds a new American is born.

And this brings us to the problem—and commitment—facing us today . . . Our commitment to save the environment. This links us with the future, and the people of the future—today's young.

As Paul Jennings, President of the International Union of Electrical, Radio and Machine Workers, wrote to me last week, "America's youth is a natural resource the nation can no more waste and ignore than it can squander its rivers, its minerals and its air."

I respect our young people, for their capacity to reexamine everything and to take a fresh look at life and its values.

This, to me, is extremely important.

The test of a society is how it responds to this reexamination by its youth.

I do not agree with some of the views being expressed by the younger generation today, but I take them very seriously, and honor their motives.

It is not just a question of defending their right of dissent. It is a question of

whether we respect them enough to weigh their dissenting opinions, to take the time to listen and to be ready to learn and change.

One of the problems of dissent is that it is essentially negative. The mass of the people will very rarely rally to a negative idea. They look for an alternative.

This is the reason that much of the student movement is moving into the political process. I welcome it, and I believe it will help the country.

It will help all of us in political life to communicate our philosophies and programs in a way that the youth can identify with.

In the last three weeks there has been a major shift in the mood of America's youth.

Since the Kent State, Augusta and Jackson tragedies a new soberness has entered the campus scene.

Many students find the courses they are taking no longer interesting, because they are more concerned about the immediate issues facing the country.

Which way will they turn?

Which way can they turn?

Thousands of them came in force to Washington two week-ends ago, and the *New York Times* wrote:

"Americans of all political persuasions can be proud of the young people who demonstrated at the Ellipse.

"By practicing peace as well as preaching it, these students gave added dignity and impact to their cause."

I agree with that evaluation.

The fact that violence was controlled was one more indication of the maturity and seriousness of our youth.

Today's college students, with a few exceptions, do not want to be pushed into the corner of violence. Peace is more than their motto, it is their instinct, and will remain so unless they are radicalized by isolation and hostility.

The triumph of the Washington demonstration was that new lines of communication were opened up.

The tragedy would be if they dried up, through impatience or stubbornness.

We've begun to see these channels operate these last weeks. In the Department of the Interior we have received dozens of student and faculty delegations.

Many have come simply to thank us for expressing our convictions about the mood of the nation's youth.

Others have come because they feel the battle to save our environment is interwoven with the question of our national priorities.

Last Tuesday I received a group of twenty-five from the University of Washington in Seattle. This group had taken a step further.

They came with a proposal for the creation of a "national quorum week" . . . something along the lines of Earth Week, in which teach-ins could be set up nationwide on the major issues of the day.

Such conferences could move Americans closer together, and give them greater opportunity to exchange ideas and opinions.

President Nixon knows that Washington tends to become isolated from the rest of the country . . . an isolation he has worked hard to eliminate.

He has taken the White House "to the people", by scheduling cabinet-level activities outside of Washington, in Chicago and Indianapolis . . . at the Western White House in San Clemente, and in other cities.

In the same way, I believe our campuses tend to get isolated from the rest of the country, and these quorums—or teach-ins—could do away with much of that isolation.

The most damaging attack on our youth would be to label the entire youth community as anti-patriotic.

There are some in our society who have a compulsion to destroy and who relish violence and anarchy. But they are in a distinct minority.

Most of our young people love America.



They love the dream this nation is based on. They honor those who have died to keep us free.

But they are not content with the pace of change. They have new visions for our role in the world.

They entertain ideals which they refuse to sacrifice.

In effect, they are the voice of the future.

Those who stretch us, who make us reach, who dare to use their imaginations—those are some of our greatest patriots.

There are ways of establishing trust and mutual respect if we will commit ourselves to finding them.

All avenues of communication have not yet been exhausted. Many have not been tried.

Others have not even been thought of.

It is the same with the question of our environment the most urgent need is for a big enough perspective, and the optimistic belief that something can be done if we dare to think in entirely new ways.

The environmental crisis demands a drastic shift in man's entire way of doing things. What is needed is nothing less than the beginning of a new era. The age of security must give way to the age of opportunity.

When man first appeared on this planet some two million years ago, he was nearly helpless in a hostile environment. The beauties of nature were overshadowed by the terrors of nature. Self-protection was the primary need.

This drive has remained the overriding concern of the human race. Self-defense has escalated from the club to the China Wall to the massive machinery which now stands poised and ready to destroy all life on earth.

As societies developed, the security function was delegated to a small faction of the community. Most people were able to spend their time creating and producing.

The price of protection, however, was high; in this country alone, we now spend billions upon billions for this purpose.

Clearly, some rearranging of this nation's priorities is in order.

If we can make the shift from security to opportunity, our attitude toward dealing with the environmental crisis will change.

Our task is great. We must repair the damage of fifty years of spectacular, blissful and sometimes blind industrial, municipal and agricultural development.

After we catch up, we must keep up.

If we approach the task reluctantly, it will not be done well.

But if we take the challenge as an opportunity to show that man has the capacity and the will to be a responsible steward of his natural habitat, we can do a job of which future generations will be proud.

We must launch a major program—now—to inventory and catalogue all our public lands—our waters, our continental shelf, our beaches, our forests and prairies.

It is time we decided what is the highest and best use of a stretch of beach for example.

In the past, our values have been strictly monetary. New criteria are needed which can put an appropriate value on natural beauty and recreation.

It would also be a serious mistake to leave the responsibility for caring for our environment entirely in the hands of government.

Fortunately, this is not the prevailing attitude in the country, and thousands of individuals and scores of industries are beginning to take spontaneous initiative.

And talking about things which grow spontaneously—or out of control—I have sometimes said, only half jokingly, that what this country really needs is a pill for the automobile!

Reports come to me that there are too many people visiting our National Parks.

But the problem is not the number of people. It is the number of cars.

In Yosemite, for example, the roads are choked with traffic.

And the same is true, of course, in our cities.

We are reaching the point where the automobile is becoming counter-productive. It is using up more resources and time than it is worth.

*Rapid mass transit is the answer.* It is pivotal in our overall national environmental goals. All our major urban areas would be helped enormously if we would give it the same priority we have the automobile.

The Department of Transportation, under the leadership of Secretary John Volpe, is pushing strongly in this direction.

This could be accomplished quickly. Many of our freeways themselves are ideal locations for the new systems.

For example, monorails could be run right down the center dividers of the large highways, cutting the expense to a fraction of the normal cost.

The second great benefit of effective mass transit would be the dispersal of population. *We cannot begin to talk about improving the environment of our cities until we relieve the press of population.*

Man wants to live in open spaces but he is forced to stay close to his work. With elevated mass rapid transit, an individual could live fifty miles outside of the city and get to work in less time than it takes him now from his present location driving an automobile.

I am proud of the impetus the youth of our country has given to the environmental cause. Some people write it off as a fad, or a phase which will pass.

They are mistaken, for this is deeper than a cause or a movement. It is the stirring of the soul of a generation.

The values of those who have gone before are being challenged. The reply has been, "what is your alternative?"

Their alternative, our alternative, is a new way of life, based on opportunity and the appreciation for the riches of the earth which we have inherited.

A new life style is emerging that cares for nature as well as for man, and that cares for man in a wholly new way.

We are no longer just interested in meeting man's material needs and comforts.

We are committed to creating a community, a world, in which the finest sides of man's nature, his greatest talents and abilities can flourish.

I expect America to fulfill this commitment in this decade.

#### CONCLUSION OF MORNING BUSINESS

THE PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

#### AMENDMENT OF THE FOREIGN MILITARY SALES ACT

Mr. CHURCH. Mr. President, I move that the Senate proceed to the consideration of the unfinished business.

THE PRESIDING OFFICER. The clerk will state the bill by title.

THE BILL CLERK. A bill (H.R. 15628) to amend the Foreign Military Sales Act.

The motion was agreed to, and the Senate proceeded to consider the bill.

THE PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from Colorado.

Mr. ALLOTT. Mr. President, in considering alternative policies toward Vietnam we must continue to demonstrate a decent sensitivity to the very real danger that Communist domination of South Vietnam would bring about hideous massacres.

Unfortunately, the New York Times of Tuesday, May 12, carried a column which sowed much confusion on this crucial subject. This column—the inaccuracy of which is surprising, even considering the source—has at least done the service of calling attention to the issue of Communist cruelty.

The author of this remarkable document is Mr. Tom Wicker. His thesis is that the President is having "scary dreams" when he suggests that North Vietnamese conquest of South Vietnam will be followed by massive slaughters of the many South Vietnamese who have fought the Communists as our allies.

Since a reluctance to precipitate such slaughters is one reason why we are coordinating our withdrawals with attempts to strengthen South Vietnam's independence, Mr. Wicker's charge is important. If his argument is correct, then the President's policy involves some faulty reasoning.

I want to make clear today, and I will at some length and without the least hesitation so that there will not be any doubt on this matter, that the massacres are a real danger and that Mr. Wicker's thesis is entirely false.

In the process of rebutting Mr. Wicker I shall examine his column thoroughly. For that reason, I ask unanimous consent for Mr. Wicker's column to be printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 12, 1970]  
IN THE NATION: MR. NIXON'S SCARY DREAMS  
(By Tom Wicker)

WASHINGTON, May 11.—In his televised address on the war last Nov. 3, President Nixon declared that a "precipitate American withdrawal from South Vietnam would inevitably allow the Communists to repeat the massacres which followed their takeover in the north fifteen years before. They then murdered more than 50,000 people and hundreds of thousands more died in slave labor camps."

In his speech of April 30, when he announced the invasion of Cambodia, Mr. Nixon again adduced the bloodbath story to support his action. Part of what he called "the easy political path," he said, would be "to desert 18 million South Vietnamese people, who have put their trust in us, and to expose them to the slaughter and savagery which the leaders of North Vietnam inflicted on hundreds of thousands of North Vietnamese who chose freedom when the Communists took over North Vietnam in 1954."

Then, under fire at his news conference on May 8, Mr. Nixon escalated. It was a "moot question" whether the war had been worthwhile, he said, but "now that America is there, if . . . we withdraw from Vietnam and allow the enemy to come into Vietnam and massacre the civilians there by the millions, as they would, if we do that, let me say that America is finished insofar as the peacekeeper in the Asian world is concerned."

Let us pass mercifully over the highly revealing remark about "the peacekeeper in the Asian world" to the question of the bloodbath. On each of Mr. Nixon's two earlier assertions of this historical hobgoblin, I wrote that the record disclosed no evidence that such an atrocity had occurred. Prof. George McT. Kahin, Director of Cornell University's Southeast Asia program, used this space on Dec. 6, 1969, to refute the Presi-

dent's No. 3 statement. Several magazine articles have gone into the matter in detail, as have numerous books each concluding there was no bloodbath in North Vietnam in 1954.

#### THE ICC RECORDS

In fact, quite the opposite; the records of the International Control Commission disclose only nineteen complaints of political reprisals and only one involving murder in North Vietnam in the two years following the armistice; nor did the I.C.C. allege that its inquiries were in any way hampered by the Communist Government. But in South Vietnam, 214 complaints were lodged in the same period against the Diem Government, and when Ngo Dinh Diem in 1957 summarily barred the I.C.C. from any further investigations, 1,047 complaints were still pending against him. Moreover, the Diem Government itself reported 48,200 arrests of Communists from 1954 to 1960.

So the only events resembling mass political reprisal after the 1954 armistice occurred in the South, not the North. What did happen in North Vietnam was a harshly repressed peasant revolt in 1955 and 1956 against a severe land reform program. It had nothing to do with Ho Chi Minh's takeover. Mr. Kahin thinks perhaps 10,000 to 15,000 may have died.

As evidence for the likelihood of a bloodbath, Mr. Nixon also mentioned on Nov. 3 that the troops who captured the city of Hue during the 1968 Tet offensive may have "eliminated" as many as 3,000 South Vietnamese. But D. G. Porter and L. E. Ackland, writing in *The Christian Century* of Nov. 5, 1969, have reported their findings, after careful research, that most of these wicked executions took place in the heat of battle and as "the revenge of an army in retreat" and were not the deliberate policy of Hanoi.

So there are at least three things to be said about the bloodbath Mr. Nixon insists will take place if the Communists take over South Vietnam. To the extent Americans are led to believe in this specter, the President makes it harder to justify any end to the war that would appear to give North Vietnam opportunity for such a massacre; that is, almost any compromise settlement.

#### OBVIOUS JUSTIFICATION

The second is that, since there is no historical evidence to justify the bloodbath prediction, this is an emotional argument to match or exceed any of the "emotionalism" or "sentimentality" or "lack of realism" so often charged to war critics.

Finally, since Mr. Nixon's staff is perfectly capable of pointing out an untruth no President should wish to assert, his insistence on the bloodbath seems to stem from something stronger than evidence. It is as though he *wills* it to be true, even though it isn't, both to justify the war and his policy, and to confirm the anti-Communism on which rests so much of his public life. Believing, perhaps, has made it so.

Mr. ALLOTT. Mr. Wicker attempts to buttress his implausible thesis by citing the oddest kinds of arguments and evidence. He focuses his attention on two matters, the executions at Hue during the Tet offensive, when the North Vietnamese occupied the city for a number of days, and the executions of peasants in North Vietnam during the early days of the Ho Chi Minh despotism.

Mr. Wicker does not think the facts about either case are alarming. I will rebut him on each point, beginning with the matter of the Hue massacres.

Mr. Wicker wants to establish that the Hue massacres were a temporary and unrepeatable aberration that did not represent deliberate North Vietnamese Gov-

ernment policy. To support his case he cites an article in the *Christian Century* which, he says, concludes that the massacres were done in panic by scared soldiers "in the heat of battle." This is pernicious twaddle. The facts are as follows:

When the North Vietnamese invaded Hue they brought with them political cadre. These political cadre carried complete dossiers on all "enemies of the people", as they call them—all persons whose continued existence would be a stumbling block to Communist tyranny.

Far from acting in disorganized panic, the executions were carried out with systematic care and remarkable organization. The political cadre went down street after street in Hue conducting a house-to-house search. They found the persons on their execution lists and marched them away to mass graves. There the lucky victims were shot. The unlucky ones were buried alive. Clearly these executions were carefully premeditated acts by the North Vietnamese Army, representing the established policy of the North Vietnamese Government.

Neither Mr. Wicker nor the men who wrote for the *Christian Century* can possibly know the full reality about the Hue massacres because the full grim reality is still being explored. We are still discovering mass graves in and around Hue.

This is not surprising. The Communists have repeatedly emphasized that the collection of so-called blood debts—a term they use—is a central part of their policy of inflicting systematic terror on conquered people. Consider the following 13 examples of North Vietnamese announcements of the blood debt policy:

Nhan Dan editorial, Hanoi, June 24, 1965: In conclusion, the paper warns that the U.S. imperialists and their henchmen who have incurred blood debts must repay them in blood. Just as the patriot Tran Van Dang said before his death, the Vietnamese people will fight more fiercely against them and will certainly annihilate them. By recklessly attacking the people, they will be kicked into their graves by the people just like the Ngo Dinh Diem brothers and any other despots in the world.

Quan Doi Nhan Dan commentary, Hanoi, December 15, 1968: On 25 November 1968 the PLAF Command ordered all PLAF units to sweep away the stubborn villains in their bases, completely disperse the rural pacification teams, crush the mopping-up and occupation plot of the enemy, annihilate the Phoenix teams and other espionage organizations of the enemy, and protect and develop the liberated areas.

The campaign for annihilating the stubborn villains in the puppet administration is developing strongly throughout the south. The southern troops and people have deeply thrust strong attacks against the enemy's lairs in strategic hamlets and concentration camps and punished the secret agents, policemen, Phoenix commandos, and pacification teams. Thousands of stubborn villains, who have incurred blood debts toward the people, pacification teams have been crushed.

Radio Hanoi to South Vietnam, April 11, 1968: The days of the puppet government corpse are numbered. Together with the unavoidable defeat of the U.S. imperialists, the traitorous clique will certainly have to atone for its crimes one day. The present shameful and woeful situation of the Thieu-Ky clique

fails to be a very good lesson for all those who still remain in the puppet army and administration to ponder.

Quan Doi Nhan Dan commentary, April 4, 1969; broadcast to South Vietnam April 5, 1969: Our armed forces, together with the people throughout the country nurture this hatred and are determined to compel the U.S. aggressors and their lackeys to pay for their blood debts.

Liberation Radio, April 17, 1969: In northern Quang Nam, almost all newly liberated areas have now established revolutionary administrations, and newly set up people's liberation committees have been presented to the people. In a number of areas in (words indistinct) in Quang Nam Province, after destroying strategic hamlets, local people have set up special courts to try cruel, dihard agents who owe blood debts to the people. Revolutionary administrations in the Mekong Delta have also vigorously developed their role. In the suburbs of Ben Tre provincial capital and in Nui Binh, Tam Hiep, and Binh Chuong villages in Kien Phong Province, revolutionary administrations have also established courts to try those cruel, dihard puppet administrative agents and spies who owed blood debts but refused to obey our compatriots' teachings.

Liberation Radio, April 19, 1969: Developing our achievements, let us combine our military offensive spearheads better and better and step up the movement to annihilate villains, smash bondage, and punish hooligans, informers, intelligence agents, and so forth, who have incurred many blood debts to the people, thus increasingly decaying the puppet administration machinery and creating conditions for widening the battlefields and annihilating the enemy right in his last dens. Let us appropriately punish pacification teams, tumble basic puppet administration organizations, smash the U.S. puppets' accelerated pacification plan and village and hamlet election farce, tighten the liberation encircling belts around the enemy dens, and create springboards for directing military spearheads at cities and provincial and district capitals.

Liberation Radio, May 2, 1969: The liberation armed security teams also punished 303 evildoers who had incurred blood debts against the compatriots, including 88 rangers and informers, 106 policemen, 11 spywar agents, 17 pollsters, and 36 village and hamlet puppet agents.

Liberation Radio, May 4, 1969: The brag-gart Thieu-Ky-Huong clique cannot avoid the thunderous blows which our people are focussing on its head in order to swiftly end the life of the traitors who have incurred many debts toward our people.

Liberation Radio, May 14, 1969: In coordination with the PLAF's activities, compatriots in all three areas—city, city fringes, and the rural rear—are determined to rise up and, together with the guerrillas, exterminate puppets and spies to hunt down lackeys who owe blood debts to our people, to crush the puppet machinery at basic echelons, to disintegrate all forms of enemy control in rural areas, and to smash his accelerated pacification scheme.

Liberation Radio, May 22, 1969: A public trial of hoodlums was held by the people of Tan Binh, a town in Tay Ninh Province. With active cooperation from the armed forces the people of this town, on May 3, held a public trial of a bunch of funkeys and hoodlums drenched with bloody crimes against the people. The people fiercely exposed and denounced their activities of collaboration with the U.S. aggressor bandits and of acting as their funkeys to stubbornly oppose the revolution and commit innumerable crimes against the people.

Liberation Radio, May 25, 1969: Let us look at those so-called parties which have agreed to join Thieu's ranks. What are they? If we do not term them profiteering politicians, as



Saigon papers have usually done, we can say that they are social dogs, a clique which has long served as lackeys for the imperialists, incurring many blood debts to our people.

Liberation Radio, June 5, 1969: People's revolutionary committees have been setting up courts to try diehard lackeys who owe blood debt to the people. Many spies and puppets have reported to local people's revolutionary committees to turn in firearms and confess their crimes.

Liberation Radio, June 30, 1969: The blood of thousands of our incarcerated compatriots who have been killed by the U.S. puppets scream for revenge. Pouring deep hatred into the muzzles of weapons, our southern armed forces and people are determined to advance, to strike more vigorously, painfully, and unremittably, to force the U.S. puppets to pay their blood debts, to defeat U.S. aggression completely, to overthrow the country-selling lackeys, and to regain independence and freedom for the country and nation. He who sows the wind shall reap the whirlwind. This is the inevitable fate of the U.S. aggressors and Thieu-Ky-Huong lackey clique.

These 13 announcements of the "blood debt" policy are dramatic enough. But what is even more interesting is the fact that the North Vietnamese took special care to boast of their responsibility for the Hue massacres. Among the documents that I will ask to have printed in the RECORD at the conclusion of my remarks is the text of a Hanoi radio broadcast in which the Hanoi regime boasts of its massacres. This is in line with a captured enemy document which proclaimed:

Hue was the place where reactionary spirit had existed for over 10 years. However, it took us a short time to drain it to its roots.

It is clear that the North Vietnamese have not tried to keep their "blood debt" policy a secret—the policy that resulted in the planned, systematic, cold-blooded Hue massacres. It seems that Mr. Wicker and some kindred spirits are the only people who have not gotten the word, or who refuse to believe North Vietnam's candid description of the policies, of which I have quoted 13, which are just a small part of the whole.

Nhu Phong, in an essay entitled "Intellectuals, Writers and Artists," published in a book edited by P. J. Honey, "North Vietnam Today: Profile of a Communist Satellite," New York, Praeger, 1962, described on page 81 one aspect of the "blood debt" policy as applied in North Vietnam after Ho's takeover:

As a result of developments both inside North Vietnam and abroad, the resistance movement of the writers and intellectuals was able to seize democratic freedom and again went into action, this time overtly and twice as strongly as before. While Khrushchev was destroying the image of Stalin in Russia at the 20th Party Congress of the Soviet Union, the agrarian reforms in North Vietnam had entered their most decisive phase. Exactly in accord with the instructions given to it by the Chinese Communist Party, the Vietnamese Lao Dong Party "unleashed the might of the masses to destroy the landlord class." From village to village the landlords and their families were all punished by the special "Land Reform Courts," and after them the rich peasants and the middle peasants whom the "masses' representatives" considered to be landlords. Scenes of the most horrifying kind were witnessed in very village and hamlet. Battalion commanders in the People's Army were recalled from their military camps to

their native villages, where they were stripped of their Party offices, stripped of their military rank, stripped of their decorations for bravery, and then beaten and sentenced to prison for their crime of "being the children of landlords." Young children of six were forced to fend for themselves and to beg for food because their parents had had to "pay their debt of blood," or, in plainer language, had been executed.

Mr. President, while we are on the subject of North Vietnam's terror systems, it is worth pointing out that the Communists have other odious terror policies besides the "blood debt" policy.

Even those who escape the collection of "blood debts" still die as a result of a North Vietnamese policy called "rectification of errors." This aspect of Communist terror tactics has been explained by Hoang Van Chi in his book "From Colonialism to Communism—A Case History of North Vietnam," New York, Praeger, 1964. So that all Senators may familiarize themselves with the "rectification of errors" as practiced in North Vietnam, I ask unanimous consent to have chapter 16 of Hoang Van Chi's book printed in the RECORD at this point in my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### EXCERPTS FROM "COMMUNIST TERROR IN NORTH VIETNAM"

As soon as Land Reform was completed (by 1956) and the so-called peasant's authority well established in the villages, the party quite unexpectedly admitted to having made many serious mistakes during the two previous campaigns when the "masses" had been "given a free hand." Accordingly, the communists promised to correct all these mistakes which, in their own words, had had a devastating effect on the party's prestige and the well-being of the people. So a "Rectification of Errors" campaign was launched, beginning with the resignation of both Truong Chinh, secretary-general of the party, and Ho Viet Thang, vice minister in charge of Land Reform.

Vo Nguyen Giap, as the party's spokesman, read a long list of errors to the 10th Congress of the Party Central Committee. This ran:

"(a) While carrying out their anti-feudal task, our cadres have underestimated or, worse still, have denied all anti-imperialist achievements, and have separated the Land Reform and the Revolution. Worst of all, in some areas they have even made the two mutually exclusive.

"(b) We have failed to realize the necessity of uniting with the middle-level peasants, and we should have concluded some form of alliance with the rich peasants, whom we treated in the same manner as the landlords.

"(c) We attacked the landowning families indiscriminately, according no consideration to those who had served the Revolution and to those families with sons in the army. We showed no indulgence towards landlords who participated in the Resistance, treating their children in the same way as we treated the children of other landlords.

"(d) We made too many deviations and executed too many honest people. We attacked on too large a front and, seeing enemies everywhere, resorted to terror, which became far too widespread.

"(e) Whilst carrying out our Land Reform program we failed to respect the principles of freedom of faith and worship in many areas.

"(f) In regions inhabited by minority tribes we have attacked tribal chiefs too

strongly, thus injuring, instead of respecting, local customs and manners.

"(g) When reorganizing the party, we paid too much importance to the notion of social class instead of adhering firmly to political qualifications alone. Instead of recognising education to be the first essential, we resorted exclusively to organisational measures such as disciplinary punishments, expulsion from the party, executions, dissolution of party branches and cells. Worse still, torture came to be regarded as a normal practice during party reorganization."<sup>1</sup>

This confession, together with the spectacular removal of those responsible for the movement, has led many outside observers to believe that the confessed errors were genuine mistakes, and that there was a sincere effort on the part of the North Vietnamese leaders to correct them. A few even have gone so far as to conclude that the whole process had been a complete failure. This was far from true, for the so-called Rectification of Errors campaign was only another plan to be added to an already long list.

Rectification of Errors was indeed an integral part of the well planned process of Land Reform and, as such, it had been conceived long before as a necessary conclusion to Land Reform. The reader will recall that, right from the very beginning, in 1953, the party had engaged in the so-called Political Struggle (described as *First Wave of Terror* in Chapter Seven) to pave the way for Land Reform, i.e. to move step by step from a normal situation to that of terror. This time the process was reversed. After three years of sustained violence, the party wished to return to a normal situation as smoothly as possible. They did this by resorting to the Rectification of Errors campaign. It was inevitable that the party should suffer a certain loss of prestige but it was prepared to accept this small sacrifice.

There is no doubt that when Mao and his theoreticians devised their techniques for Land Reform, they deliberately planned an excess of violence because they believed it to be necessary to ensure success. According to their calculations, this excess would be corrected by a process of reversal called "Rectification." Convincing proof of this is to be found as early as 1926, when Mao clearly stated that "to right a wrong one should exceed the limit of the right."<sup>2</sup> Mao's attitude was later adopted by Ho, who carefully explained to a restricted number of party cadres the basic strategy of his policy. "To straighten a curved piece of bamboo," he said, "one must bend it in the opposite direction, holding it in that position for a while. Then, when the hand is removed it will slowly straighten itself."

Evidently, both Ho and Mao anticipated a strong public reaction against their Land Reform policy and concluded that only a deliberate excess of terror would annihilate that reaction. To understand why this excess was thought to be indispensable, one must first understand the purpose for which the two leaders carried out their Land Reform.

In the first place, Land Reform did not consist solely of confiscation and redistribution of land. If that had been its only object, then government regulations alone would have sufficed. Prior to Land Reform a number of landlords of their own free will had offered their lands to the state. The offers were rejected or, in some cases, accepted for a few years, after which the lands were returned to the former owners on the pretext that "no citizen should be deprived of his normal means of livelihood." The

<sup>1</sup> *Nhan Dan*, No. 970 (October 31, 1956).

<sup>2</sup> Mao Tse-tung: "Report of an Investigation into the Peasants' Movement in Hunan Province," in *Selected Works* (Lawrence and Wishart, London, 4 vols., 1954-56).

truth was that the landlords were required to remain landlords until the time came for them to become scapegoats. It was immaterial, after all, who owned the lands since these could have been confiscated by the dictatorial government whenever it wished. The true purpose behind Land Reform was this:

1. Confiscation and redistribution were only transitional stages before the ultimate aim—collectivisation of the land. In order to compel the entire peasantry to accept without rancour the collective pattern of life, communist leaders felt it necessary to "kill the spirit of ownership" which had existed in the mind of every peasant for centuries. To achieve this aim, they applied an ancient Chinese maxim which says: "Kill just one and frighten ten thousand others." In the circumstances, it might have read: "Kill a few landlords in every village and frighten the whole population." This explains why a minimum "quota" of death sentences was fixed for every village, even in those villages in which all the land was communal. "Fright" was achieved rapidly, and the people of North Vietnam coined a new maxim, which was on everyone's lips: "Take your water from the river, buy your rice from the market, go to hospital in case of illness and be buried in a public cemetery after death." (This expression is much more epigrammatic in the Vietnamese language.) It meant that the wise man would take care never to possess anything of his own throughout his whole life.

2. In forcing them to denounce and kill landlords, the party wanted to make the peasants share in the blood-guilt. Thus, those who had directly or indirectly participated in the massacre, being morally and politically compromised, were forced to side with the party through fear of retaliation. Unable to side with their former masters in a revolt against the new masters, they had to accept whatever fate the party had in store for them. The guilt-complex which haunted the peasants' minds after the massacre of about 5 per cent of the total population has been euphemistically described in official communist literature as "the peasant's consciousness of being master of his own fate."

3. Land Reform, in the political sense of the word, means a radical shift from the anti-imperialist to the anti-feudalist standpoint or, in other words, from the anti-colonialist war against the French to the mass slaughter of local landlords. In changing the aim of its fight, the party felt it essential not only to purge all nationalist elements from the Resistance, but also to throw overboard any party members (and there were many) in whom there was the least suspicion of unorthodoxy. It believed that a purge as drastic as this could not be carried out if decisions concerning the fate of each individual were left to the upper classes, for nepotism was still widespread and many would be bound to slip through the net. In the party's view, the purge must be implemented from the bottom up, that is, from the village level, since nobody could better assess a man's political attitude than his fellow villagers. "The people are clear-sighted," they said; and among the people "only the poor and lesser peasants are trustworthy." The logical result of this argument was that "the masses should be given a free hand to carry out Land Reform." Although the masses would inevitably abuse it and resort to indiscriminate accusations, the party nevertheless concluded, after due consideration, that such a method was the best that could be devised, since a complete success could not be ensured without excess. To quote Nguyen Manh Tuong, the sacred principle applied to Land Reform was: "It is

better to kill ten innocent people than to let one enemy escape."<sup>8</sup>

Thus the party recommended an excess of violence and turned a blind eye to all the abuses they knew to be the inescapable consequences of the 'free hand' policy. Hundreds of thousands of people were unjustly killed, jailed or starved to death without the all-powerful party raising a finger to help any of them. According to the law, anyone sentenced to death had the right to appeal to the President of the Republic for clemency, but the stark truth is that Ho Chi Minh did not pardon one single person, not even loyal party members who, at the moment of their execution by firing squads, still shouted: 'Long live Ho Chi Minh.' In March 1956, Ho did, however, order the temporary postponement of all capital punishment, but this was a consequence of the far-reaching de-Stalinisation campaign started in Moscow on the occasion of the Soviet Party's Twentieth Congress. Those fortunate people whose executions were postponed, and who were later released from jail, owed their lives, indirectly, to Nikita Khrushchev—not at all to Ho Chi Minh.

A further proof that this policy of violence was deliberate is to be found by comparing Giap's speech with Truong Chinh's, previously discussed in Chapter Twelve. The point that stands out clearly is that all the so-called mistakes listed by Giap derived directly from the failure to apply basic principles which Truong Chinh enunciated and which he promised would be carefully respected during the process of Land Reform. In the event, the party made numbers of wild promises it did not keep. Only when the campaign was all over did it express regret for its failure to honour this or that promise. Truong Chinh was the hand which bent Ho's bamboo shoot, and Giap the hand which released it. Rectification of Errors represents the bamboo's resuming its normal straightness, the resumption of a more or less normal life.

The first step was the release of all landlords and party members who were still in the prisons or concentration camps. The total number of prisoners has never been disclosed, but Giap mentioned in his speech that among those released were 12,000 party members. Not unnaturally, it was these communists who suffered most in the party's jails. Ngo Duc Mau, a veteran communist who had ten years' experience of French jails, gave the following description of his sufferings in a communist prison:

"When we were in our dark, damp cells we would comfort each other . . . for there is a vast difference between the imperialist jail and our own. In an imperialist jail I suffered only physical pains, my mind being comforted and at peace. . . . But how was I treated in this place? I was trampled underfoot both physically and mentally. Those around me considered me to be an enemy a traitor and a spy, and no one understood my situation."

The same communist also disclosed that it was his own 'comrades' who had tortured him, forbidding him to speak in his own defense:

"A comrade from my province (Ha-Tinh) brought purely imaginary charges against me, transforming all my past achievements into crimes. I was not allowed to speak in my own defence. They tortured me day and night in order to force me to admit to crimes which I had never even thought of, let alone committed. (Nhan Dan, October 30, 1956.)"

These prisoners were told that they had

<sup>8</sup> Nguyen Manh Tuong: "Concerning Mistakes Committed in Land Reform", quoted by Hoang Van Chi in *The New Class in North Vietnam*.

been imprisoned through an unfortunate error and would be released before long. However, a month before they were allowed to leave the camps or prisons, they were made to attend a special course entitled "Preparation for Going Home." This required them to study and discuss, under the guidance of a party representative, such thorny subjects as Giap's long list of errors, the party's attitude of self-criticism, the eternal rightness of the Marxist-Leninist doctrine, and the "correct attitude toward those who had made false denunciations". They were assured that they would be rehabilitated as free and honest citizens, and that they would recover all their rights and their unjustly confiscated property. They were also urged to forget their recent misfortunes and to renew their faith in the party, serving it as faithfully as they had done in the past. But the essential point for them to remember was that they should not take any retaliatory action against the authors of their misfortunes.

Orders were then given to village authorities to arrange for a delegation to be sent to the jails to welcome the prisoners and take them home. As might be imagined, there were many pathetic scenes when they returned to their villages and became reunited with their families. *Nhan Dan* described the case of Tan, one typical of countless others:

"Tan belonged to a middle-level peasant family which had tilled the soil for three generations. He joined the Revolution when it first began (1945) and, after training and acquiring the necessary experience, he was admitted to the party. In 1947 his village fell under French occupation and, in his capacity as secretary of the village cell and president of the village committee, he led his villagers in a fight against the French. Frequently during enemy searches he was forced to remain hungry for long periods in underground hide-outs. Sometimes he was obliged to run away, but immediately the French had gone, he returned and rebuilt the village organisation, carrying out guerrilla warfare until final victory [1954]. After the truce, in accordance with his orders from higher authority, he prepared to carry out an attack against feudalism [Land Reform]. However, not only was he not allowed to participate in the attack, but was classified as a cruel landlord and a reactionary. He was accordingly denounced and tried before the People's Tribunal."

During the Rectification of Errors campaign, Tan was told that the case against him had all been a mistake and that very soon he would be released. Then:

"Tan counted on his fingers . . . eight months in jail awaiting execution, one month more attending the course: in all he had been absent from home for nine months. . . . When Tan entered the courtyard of his brother's house, he went first to the tumbledown kitchen in which his family had lived since the day his property had been confiscated. He was forced to bend double to get into the kitchen, which was coated in soot. A bamboo bed occupied about half the room, and the whole place was in complete disorder. . . . Tan was heartbroken to see this evidence of the wretched plight of his wife and children during his months in jail, but he made a great effort to remain calm and waved to his sister who still wept bitterly. 'Don't cry,' he said, 'tears and resentment are superfluous, they only increase our suffering.' He then entered his brother's house where there was great rejoicing. During the evening people came in groups to talk about the mistakes that had been made during Land Reform. They recalled how the villagers had been compelled to denounce and torture one another, to sever all family ties and to suppress all human feelings. There was sorrow in every heart. (Nhan Dan, November 14, 1956.)"



Mr. ALLOTT. Mr. President, at this point I have dealt with Mr. Wicker's spurious notion that the Hue massacres were a disagreeable aberration.

Now let me consider the question of the massacres which the North Vietnamese Government inflicted on North Vietnamese citizens.

It is Mr. Wicker's contention that reports of North Vietnamese massacres in North Vietnam are exaggerated—they are, he might say, the idle talk of nervous nannies. He does admit that there was a lot of government-inflicted bloodshed in North Vietnam during the early years of the Ho Chi Minh despotism. But he says it is a gross exaggeration to say—as the President and a host of scholars have said—that 50,000 North Vietnamese were slaughtered. Mr. Wicker accepts a Cornell University professor's estimate that a mere 10,000 to 15,000 persons were slaughtered.

Mr. Wicker is partially correct on a minor matter. But, remarkably enough, even when he is correct, he injures his own petition.

There is a sense in which Mr. Wicker is correct to say that the largest bloodbath in North Vietnam did not occur in 1954. In fact, the Communists were not firmly enough in control, and the North Vietnamese people were not sufficiently desperate in 1954 to require a bloodbath.

Once the Communists got organized, however, there was a huge bloodbath. It happened in 1956.

Some of the background is given by P. J. Honey in an introductory essay in the book he edited—"North Vietnam Today: Profile of a Communist Satellite," New York, Praeger, 1962. On pages 8 and 9, he writes:

In 1955, as the whole of North Vietnam passed under the control of the Vietnamese Communists, the frontier between the two halves of the country closed, and all Vietnamese watched with interest the experiment of a Communist state in Vietnam. The period following the victory of Dien Bien Phu had been one of excitement, of military parades, of speeches congratulating every section of the community for the part it had played in winning national independence. Foreign observers were still present in North Vietnam, and efforts had to be made to persuade experienced administrators and technicians to remain at their posts, so the Communist leadership tended to be at its most reasonable and benevolent, promising all benefits to all people. Once the frontier had closed, however, and escape was no longer possible, communism came into its own. The need for window-dressing had passed because the blind had been drawn down permanently.

In those parts of the country which had been under Communist control during the war, the agrarian reform campaign had already begun, and this was now extended to the whole country. While Party Secretary-General Truong Chinh boasted endlessly about the achievements of this campaign, identifying himself as its inspiration and its leader, special cadres were trained to carry it out and dispatched to the countryside. People were classified, and the hundreds of thousands unfortunate enough to be placed in the landlord class were dragged before the people's courts for condemnation and execution. The atmosphere of terror spread throughout the land and nobody felt safe, for classification as a landlord often had little to do with whether one possessed any land or not. This campaign had three principal objectives. Firstly, to dispose of people

liable to oppose communism; secondly, to impress the whole people with the irresistible might of the Communist authorities; and thirdly, to confiscate land and place it in the hands of new people who would depend entirely upon the Communist authorities for their ownership of it. In addition, by forcing the whole population to participate in the atrocities of the people's courts the authorities made everybody share in the blame for the criminal actions of these courts. By doing so, they sought to bind the whole population to the Communist regime by means of a shared guilt, for any other regime might seek to punish them for their actions.

The atrocities and the terror were pushed too far, with the result that spontaneous popular revolts broke out in a number of areas and the whole regime, but particularly the Communist Party, was in danger. Truong Chinh was made to resign his Party office—he could not be dismissed entirely because of the powerful backing he enjoyed from the Chinese Communists—and a rectification of errors campaign was carried out.

In the towns and cities, massive taxes quickly forced most of the privately owned shops and businesses to close down, leaving their owners unemployed and penniless. Money became very scarce, and the few goods still available for sale reached staggeringly high prices. The artisans, too, were forced out of work because there was not enough money in circulation to permit people to buy their goods. Unemployment reached gigantic proportions, and even the hard, poorly paid manual jobs such as road building were eagerly sought.

The census authorities, ostensibly gathering statistics for the compilation of a new census of population, in reality acted as a sort of security police force. Cadres would watch families for days on end entering their houses and reading all their papers or documents. Fear and terror accompanied their operations.

Consider the words of Bernard Fall in his famous book "Two Vietnams: A Political and Military Analysis," revised edition, New York, Praeger, 1964, pages 155 to 156. He is discussing a particularly draconian decree involving what is euphemistically called "land reform":

With the extreme narrow-mindedness that seems to be the hallmark of the Viet-Minh low-level cadre (can-bo), the decree was applied throughout the D.R.V.N. with utmost ferocity. Local Party officials began to "deliver" veritable quotas of landlords and rich peasants even in areas where the difference between the largest and the smallest village plots was a quarter-acre. Special "People's Agricultural Reform Tribunals" ("Toa-An Nhan-Dan Dac-Biet") began to mete out death sentences to individuals who in any case were not landlords, and who in many cases had loyally served in the war against France or had even been members of the Lao-Dong. By the summer of 1956, the Lao-Dong was for the first time confronted with a severe internal crisis: A menace to life and property from whose arbitrariness no one any longer felt safe produced a wave of disobedience and outright hatred for the Party cadres throughout the country. While it is obviously impossible to give precise figures, the best-educated guesses on the subject are that probably close to 50,000 North Vietnamese were executed in connection with the land reform and that at least twice as many were arrested and sent to forced labor camps.

One can well imagine the number of fatalities among the 100,000 who were sent to forced labor camps.

Consider the following from Bernard Fall's "Two Vietnams," pages 156 and 157, where the author tells of a belated

North Vietnamese effort to head off a rebellion in 1956:

All this came too late, however, to prevent a popular explosion on November 2, 1956—at the very time when, at the other end of the Communist bloc, Soviet tanks began to crush the Hungarians who had rebelled under precisely the same conditions. What made the Vietnamese uprising particularly humiliating for Hanoi was that it took place in the middle of the Viet-Minh bastion of Interzone IV and in Ho Chi Minh's own native province, in fact, only a few miles from his birthplace. Since, by sheer accident, Canadian members of the International Control Commission were present when the outbreak took place, its completely fortuitous and popular origin can be well substantiated: It apparently started when villagers surrounded a Commission jeep with petitions asking that they be allowed to go south of the 17th parallel. A Viet-Minh soldier or militia member tried to disperse the villagers with his rifle butt, but the enraged farmers beat him and took his rifle. Thereupon the VPA soldier found it expedient to withdraw, only to return with a squad of troops; they met a fate similar to his, and shots were exchanged. By nightfall, the movement had swept over the whole huyen (district), and danger mounted that the farmers, like those of the first Nghe-An Soviet of 1930, would march on the provincial capital of Vinh, just as they had marched twenty-six years earlier in protest against the colonial power. Hanoi no longer had any choice; it responded in exactly the same way as the colonial power had, sending the whole 325th Division to crush the rebels. It did so with typical VPA thoroughness; allegedly, close to 6,000 farmers were deported or executed. With headlines pre-empted by the news from Suez and Hungary, the world press had little space left for the farmers of Nghe-An. And no U.N. member—neither of the always touchy Bandung bloc so concerned about the fate of its brothers in colonial shackles, nor of the habitually anti-Communist nations—mustered sufficient courage (or marshaled sufficient facts) to present the Nghe-An case to the conscience of the world.

The facts about the conditions of terror in North Vietnam make one thing clear. That is, the most astonishing part of Mr. Wicker's disquisition in his theory that political reprisals in North Vietnam could not have been severe because the North Vietnamese people did not bring their murderous government to justice before—of all things—the International Control Commission.

Not since the 1930's, when the American left went out of its way to support the Soviet Union, has there been a performance to match Mr. Wicker's attempt to support the North Vietnamese by citing International Control Commission—ICC—records.

This would be pathetic and ludicrous were it not contemptible as a transparent attempt at a whitewash.

Mr. Wicker says that ICC records "disclose only 19 complaints of political reprisals" in the 2 years following the 1954 armistice. It does not seem to have dawned on Mr. Wicker that many of those who suffered most were in no condition to complain to the ICC, nor, for that matter, to anyone else. Nor does Mr. Wicker consider the possibility that the surviving portion of the North Vietnamese population was in a terrorized condition—a condition which the Communists had worked to create.

Mr. President, it goes without saying

that a terrorized people will not go running to a powerless international commission to make damaging charges against the savage authorities.

This is not to say that some North Vietnamese did not attempt to get aid from the ICC. In fact we have a report of such attempts from Mr. Theodore Beaubien Blockley, a Canadian who was, in 1957-58, senior political adviser to the Canadian Commission on the ICC. On September 29, 1965, Mr. Blockley, wrote a letter to Senator Dobb in which he explained some of the discouraging and terrible things he saw while with the ICC in Hanoi. His letter includes this passage which is so illuminating that I read it somewhat at length:

Early attempts by some Canadians and a very few Indians to insist that the North Vietnamese carry out the terms of the agreement in respect to certain individuals were tantamount to sentences of death for them.

I have referred in an earlier letter to the hours spent by members of the Canadian delegation, including myself, in destroying thousands of petitions from people in North Vietnam who clearly came within the protecting clauses of the agreement, so that there would be no chance of the petitions falling into the hands of the Communist authorities. To give some of the Indians their due, I was told by some of them that they had done likewise with petitions addressed either to their delegation or to the Commission Secretariat.

During Chou En-lai's state visit to Hanoi, I was invited, as acting leader of the delegation at the time, to attend the numerous receptions which were accorded him. At the first of these I was singled out by Ho Chi Minh as the only person at the reception besides the guest of honor, Chou, with whom he conversed. In the course of the evening, I had two long talks with him, and two with Chou En-lai.

Early next morning I was roused by the delegation officer of the day who informed me a mob had gathered at the delegation office building, part of which had forced itself into the courtyard of the building, despite the efforts of armed Communist guards, and unarmed Canadian soldiers, to keep them out. I was driven hurriedly to the office building, the crowd (which I estimated at over a thousand and growing rapidly) letting the car through when the orderly officer called out, "C'est M. l'Ambassadeur canadien."

Going through a postern in the main gates of the carriage entrance to the building courtyard, I found 200 or 300 North Vietnamese milling around in there, with a score or so of anxious Canadian soldiers keeping them from going up the staircases into the offices themselves. I went up to a half-way landing on one of these staircases and shouted for silence, then singled out an impressive looking Vietnamese matron to act as spokesman, demanding to know from her what the demonstration was all about. She told me the rumor had quickly spread about Hanoi during the preceding evening and night that the Canadian delegation now enjoyed cordial relations with the Communist authorities and would now be able to insure the issuance of exit permits to those who had been denied them. "So," she added quite simply, "I knew there would be thousands coming for them today, so I came early for mine, as have these other people."

In the meantime truckloads of armed police and soldiers had been arriving outside, and struggles were developing as they tried to seize people in the crowd. Shouting so that I could be heard above the commotion, I managed to arrest these activities, and then addressed the crowd from the outside staircase landing. "Que vous êtes fous—fous—fous"—"How mad you are to come

here" and going on in French, "The Canadian delegation can never, never, never help you—it does not want to help you. Never come near this building again, nor go near the Commission building. And tell everybody else so. Now run, run, run, and get away as fast as you can."

As I cried out the last words I signaled to the Canadian soldiers who swung open the great gates, and the crowd in the courtyard erupted into the crowd outside, and all turned and scattered, bowling over many police and soldiers who, miraculously, refrained from opening fire (although we had heard rifle fire in Hanoi previous nights).

The last I saw of the marvelous old Vietnamese dame, she had kilted her ground-length skirts up to her knees, had nimbly dodged two or three soldiers and police, leaped into a pedicab which she must have arranged for beforehand, and careened off down the street, rounding a corner on two wheels while a policeman who had been pursuing her in another pedicab lay sprawled in the street, his pedicab operator, either deliberately or accidentally having upset in attempting to round the same corner.

Mercifully, only two or three truckloads of prisoners were borne off in the police vans. All efforts in the Commission subsequently to ensure these luckless ones were not punished for attempting to exercise their rights under the Geneva Agreements went without success.

In view of the Commission's sorry record of failure to extend any sort of protection to persons entitled to such protection under the Geneva Agreements, anyone who suggests it could do any better in assuring a terror free election throughout North and South Vietnam must be utterly disingenuous, incredibly ignorant or downright pro-Communist!

I will but briefly mention the dreadful experience of finding North Vietnamese in my office and in my residence—the Lord knows how they had managed to get in, evading both the Vietnamese and Canadian guards—who would then plead with me to save them by smuggling them out, breaking down and throwing their arms around my feet, even threatening me, and whom I in turn would have to threaten with calling the Communist police before they would leave. Some of these were actually government officials.

This letter—the full text of which appears in the CONGRESSIONAL RECORD, volume 111, part 21, pages 27956-27957—deserves the attention of all persons who have a serious interest in the realities of International Control Commission work.

For additional insight concerning the usefulness of the ICC, consider the following from Bernard Fall's Vietnam Witness: 1953-66—New York: Praeger, 1966—pages 101-102:

Nghe-An and its neighboring provinces have a long record of fierce nationalism. It had fought on longer than any other region against French colonial penetration in the ten-year "Revolt of the Intellectuals" in the 1880's. Ho Chi Minh, Vo Nguyen Giap, and other leaders originated there. It was the landless farmers of the Nghe-An who, in 1930 and 1931, organized village revolutionary committees—conveniently dubbed as the "Soviets of Nghe-An" by Communist propaganda—and marched unarmed against French troops. During the Indochina war of 1946-54, the Fourth Interzone, with its rice surplus, raw materials, and relatively well-educated population, was one of the Viet-Minh's main bastions and one into which no French troops had penetrated since 1946. In fact, the territory was considered so thoroughly permeated by Communist ideas that the D.R.V.N. had begun to establish Soviet-type collective farms there in 1954. That open

revolt against the regime should nevertheless take place in this area suggests that depth of popular resentment against the Hanoi government.

The available information indicates that farmers in the predominantly Catholic Quynh-Luu huyen (district), thirty-five miles north of the provincial capital of Vinh, when apprised of the new policy of the government, decided to march upon the district headquarters to air their grievances and demand immediate redress. Regional troops of the 325th Infantry Division, in platoon strength, were sent to Quynh-Yen village along with some representatives of the huyen administrative committee "to explain to the compatriots the government's policy." However, the indignant populace overwhelmed and disarmed the troops during the night of November 5 and now did to them what had been done to themselves for years: they forced the troops and party cadres publicly to confess their crimes and sign a prepared statement to that effect.

Between November 5 and November 13, the rebellion spread to the whole district, and four columns, totaling perhaps 10,000 rebellious peasants, began to converge upon the district administrative headquarters. There are some indications that by then the rebellion had spread to neighboring districts, but now the thoroughly alarmed Hanoi government decided to commit the battle-hardened 304th Infantry Division to the job of sealing off the insurrectionary area and to crush the rebellion by military force. According to a declaration made on November 29 by President Ngo Dinh Diem, head of the Vietnamese national government in Saigon, a team of the International Control Commission, which supervises the enforcement of the 1954 ceasefire, passed through Quynh-Luu on November 9 and was handed a series of petitions demanding ICC support for the liberation of illegally seized property, and the right to be informed about world events as well as the right to circulate freely. There is no evidence that this petition was acted upon by the ICC or that a subsequent letter sent by the Vietnamese Government in Saigon to the United Nations resulted in any action by that body.

The inaction of the ICC and the United Nations in this regard should give us a clear understanding of why the North Vietnamese did not rest their hopes for safety on impotent international organizations. And this is why Mr. Wicker's use of the ICC records is foolish.

I do not think Mr. Wicker is silly enough to really believe that the North Vietnamese people thought it would be safe to vent their fears and memories to the ICC. I think Mr. Wicker is playing games, dangerous games.

Probably the most inane part in Mr. Wicker's lamentable column is the passage where he confides to us the information that the massacres of 1955 and 1956 "had nothing to do with Ho Chi Minh's takeover." This is the silliest statement to appear on the Times editorial page in years—and the competition for that title is very stiff. What does Mr. Wicker think brought about the massacres? Sun spots? Can Mr. Wicker doubt that Ho Chi Minh's coming to power was a necessary condition for the production of these Communist massacres? Is it not abundantly clear that his coming to power was a sufficient condition for unleashing 16 years of war, terrorism, massacres, and other enormities throughout Indochina?

Mr. President, I want to sum up and draw some conclusions.



Based on the facts I have cited, I feel Mr. Wicker is dead wrong, tragically wrong about the likelihood of a bloodbath in South Vietnam should North Vietnam take over there.

Mr. Wicker is dead wrong about the nature of the Hue massacres. He denies that these represented settled North Vietnamese policy. He denies this in spite of the fact that North Vietnam has boasted about this policy.

Mr. Wicker is dead wrong about the massacres that took place in North Vietnam after—and resulting from—Ho Chi Minh's coming to power. He chooses to downgrade the size and significance of the bloodshed in North Vietnam in spite of the fact that—to put it mildly—the real amount of bloodshed has not been the best kept state secret of the 20th century.

All this has been written about in books which Mr. Wicker has surely read if his competence as an Asian expert is all that he advertises it to be. Mr. Wicker has not been bashful in proclaiming the fact that he reads books and articles on these vexing matters. Therefore one cannot help wondering how he arrives at conclusions which are not widely shared by recognized experts. Certainly, those who are recognized experts have not presented such a sanitized picture of our enemy—an enemy whose morals suggest kinship with the Waffen-SS.

Let it suffice to note that when Mr. Wicker says "there is no historical evidence to justify the bloodbath prediction" he is feigning an historical competence which he does not in fact possess, and he is ignoring the evidence of many serious sources.

Mr. President, I do not think the United States is obliged to spend unlimited resources over an unlimited period to protect the South Vietnamese. Honorable men of good will can and do disagree as to whether we have already done all we can do. I think we can do more while proceeding with an orderly withdrawal of American forces. Further, there are honorable men who argue that the moral equation is such that we need not spend another dollar or risk another life to protect the South Vietnamese from any fate, however horrible.

I am not saying that this is a dishonorable position. But one does wish that those who advocate it would have the courage of their convictions. One does wish that those who feel this way would face the facts about the probable outcome of the policies they advocate so vociferously. And one wishes that men like Mr. Wicker would abandon the forum and leave this difficult debate to more candid men.

Mr. Wicker spills much ink on the subject of the President's veracity. I suppose this is one thing that caused me to speak at such length this afternoon, because there is no justification for such doubt. Mr. Wicker is in a constant pout because he does not think the President understands the world or describes it accurately for the American people. This takes a lot of brass considering the fact that if all Mr. Wicker's inaccuracies generated a nickel for the Treasury we would soon retire the national debt.

It would at least be nice if Mr. Wicker would read—or remember—what his own paper prints as editorial comment. It is sometimes worth remembering. Perhaps it might be well to remind him. It was on May 8, 1968, when the Times carried an editorial which, although based on incomplete figures about the Hue massacre—the graves were just being opened—is still very relevant, especially since a Times columnist seems to have forgotten its message. It said the following:

The new wave of Communist assaults on Vietnamese cities, accompanied by the indiscriminate slaughter of innocent bystanders, is a timely reminder of the callous contempt for human life characterizing this war even beyond many others.

This calculating cruelty was exposed most forcefully in a recent detailed American report on massive executions by the Communists in Hue during the Tet offensive. The murder of more than 1,000 Government workers, priests and women, some of whom apparently were buried alive, followed a pattern of wholesale political assassination that the Communists have practiced throughout South Vietnam—and in North Vietnam—for years.

Strong guarantees against such bloody reprisals on either side after a cease-fire must be part of any peace settlement.

That is the end of the quotation, but I want to repeat that last paragraph from the Times itself:

Strong guarantees against such bloody reprisals on either side after a cease-fire must be part of any peace settlement.

Mr. Wicker is a very brave man. Sitting here in Washington, he is willing to take no end of risks with the lives of the South Vietnamese. But Mr. Wicker's courage is strangely limited. He seems to think that it is neurotic to worry about the safety of the South Vietnamese, but he hardly lets a week go by without announcing his fear that the President, or the Attorney General, or the police, or the Army, or the American majority, or some other pernicious force is going to crush him under the darkest despotism.

In recent weeks Mr. Wicker and the paper he serves have done the Nation a favor. They have given up the pretense of practicing journalism. They have become active instruments of political forces in this Nation.

In this regard I would like to quote the wise commentary given by Howard K. Smith during the ABC evening news program of Monday, May 11:

It will be a little while before last week's turbulent events can be assessed with certainty. However, the Sunday *New York Times* and a few other papers have already decided. Over the weekend, the *Times*' famous columnists pounded our ears with one litany: In his Cambodian venture the President was out of touch, misjudged the temper of the nation, was isolated from the people's opinion.

What are the facts that are known?

First of all, there are opinion polls. Since Cambodia, both CBS and Gallup polled the nation and came to the same conclusion: Americans are almost two to one in favor of the President's action. The *Times* flunked that test. The President looks pretty good.

There is another way to judge opinion. That is how the elected representatives of the people vote. Last month the House of Representatives voted overwhelmingly to

support the President. Last week the House voted equally overwhelmingly to defeat a motion criticizing the President's action in Cambodia.

In the Senate critics have criticized loudly but never dared to bring their views to a vote. They didn't have a majority. Today they at last put forth a stern amendment against the Cambodia action, but we'll believe they have a majority when we see it.

As of now, on the basis of available indices, the President seems to have gauged the public temper relatively well; better than the *New York Times* has.

Mr. President, I support Mr. Smith's opinion. I would only suggest that he is wrong in thinking that the Times was trying to accurately gauge the temper of the American people. The Times was ignoring the evidence in order to promote its political point of view. That is not good journalism but, as I said, the Times is no longer practicing journalism. It has become the house organ of a political persuasion.

Prompt public recognition of this fact will serve the national interest in two ways. First, it will serve the good name of American journalism. Second, it will lessen the public confusion that ensues when the American people pick up what looks like a newspaper and find nothing reported in it—outside the sports section and perhaps the funny page—bears any resemblance to what they know to be the truth about the world.

It is fortunate that much of the media has avoided this transformation from instruments of journalism into tools of political opinions. It is gratifying that we can still gather much useful information from the media, and elsewhere, to help us understand the complex issues of foreign policy. In this regard, I would like to share with other Senators some of the information I have come upon in examining this subject.

Mr. President, so that the full nature of enemy cruelty may be known, and so that we can understand the real danger of a Communist-administered bloodbath in the event of a Communist takeover in South Vietnam, I request unanimous consent for the following documents to be printed in the RECORD.

Some of the articles have footnotes. I ask unanimous consent that the footnotes be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLOTT. Mr. President, these items—all of which pertain to evidence of enemy cruelty, and to the threat of future atrocities—are the following:

First. An article by Don Tate headlined "It Would Be a Bloodbath." It appeared in the Washington Daily News of November 25, 1969;

Second. A story from Time magazine of December 5, 1967, concerning the Communist massacre at Dak Son;

Third. An article by Ernie Zaugg entitled "Cloud Over Vietnam's Catholics." It appeared in the Kansas City Times of December 27, 1969;

Fourth. A column by Edith Kermit Roosevelt entitled "Putting the VC in Perspective." It appeared in the Philadelphia Bulletin of April 19, 1970;

Fifth. A column by Jack Anderson en-

titled "Hanoi, Vietcong Kill Civilians Regularly." It appeared in the Washington Post of December 5, 1969;

Sixth. An article by Tom Buckley headlined "Midnight Vietcong Raiders Slay 6 as Informers." It appeared in the New York Times of July 26, 1967;

Seventh. A United Press International dispatch, datelined Can Tho, South Vietnam, and headlined "Survivor Describes Massacre by Reds." It appeared in the Washington Star of March 6, 1967;

Eighth. A column by John Chamberlain headlined "Rapid Vietnam Withdrawal Would Result in Bloodbath." It appeared in the Columbus, Ohio, Dispatch on November 11, 1969;

Ninth. A column by Joseph Alsop headlined "Massive Withdrawal by United States Would Spark Viet Massacre." It appeared in the Washington Post on September 15, 1969;

Tenth. An article by a Baltimore Sun staff correspondent from Saigon, headlined "Terrorism Stepped Up by Vietcong." It appeared in the Sun April 7, 1969;

Eleventh. An editorial from the Washington Star of September 13, 1969, headlined "Vietcong Terror Tactics";

Twelfth. An article entitled "Massacre at Hue" from Time magazine of October 31, 1969;

Thirteenth. An article by Don Oberdorfer, datelined Hue and headlined "Hue: Deliberate Slaughter." It appeared in the Washington Post December 7, 1969;

Fourteenth. An article from the Los Angeles Times news service headlined "Hue Slayings Seen Pattern If Foe Wins." It appeared in the Washington Post December 7, 1969;

Fifteenth. The text of a Hanoi radio broadcast of April 27, 1969, in which the North Vietnamese acknowledge that the Hue massacre was part of a deliberate, calculated policy.

Sixteenth. The text of a North Vietnamese editorial broadcast on Hanoi radio on March 21, 1968, at 11:15 GMT. Its title was "Defend Order and Security and Punish the Counter-Revolutionary Elements";

Seventeenth. A report by Truong Chinh, broadcast on Hanoi radio September 18, 1969;

Eighteenth. The text of the November 1967, Decree on Counter Revolutionary Crimes broadcast on Radio Hanoi on March 21, 1968 at 4:15 GMT;

Nineteenth. An article by Robert G. Kaiser, datelined Saigon, which appeared in the Washington Post May 15, 1970. This article concerns a report just prepared by Douglas Pike, one of the foremost authorities on the practices of the Vietcong and the North Vietnamese. It is Mr. Pike's considered judgment that "if the Communists win decisively in South Vietnam, all political opposition, actual or potential, would be systematically eliminated." Mr. Pike believes this might cost the lives of 3 million South Vietnamese; and

Twentieth. Chapter Six from Chester Bain's book "Vietnam: The Roots of Conflict"—Englewood-Cliffs, N.J.: Prentice Hall, 1967. Mr. Bain details the use

of murder and torture as instruments of domination in North Vietnam.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Daily News, Nov. 25, 1969]

IT WOULD BE A BLOODBATH . . .

(By Don Tate)

SAIGON, November 24.—A former North Vietnamese army colonel who defected after 21 years of Communist Party membership said here today a communist takeover of the south would result in a bloodbath.

He is Lt. Col. Le Xuyen Chuyen. He joined a suicide youth group in North Vietnam when he was 15, was decorated by Hanoi as a war hero, helped write the sapper manual for the North Vietnamese army and was slated for command of a division at the time of his defection.

Asked in an interview if the possibility of a bloodbath in the event of a communist takeover had not been exaggerated, Lt. Chuyen said:

"It could not be exaggerated. It will happen."

Wouldn't unfavorable world opinion deter it?

Lt. Chuyen laughed. "Who would be around to report it? It happened in North Vietnam and nobody cared. You Americans wouldn't be here to see it. Once out, you would never come back. It would just happen. World opinion? It does not even grasp what is going on here right now?"

He said that while any American atrocity always gets a big headline, the calculated, day-to-day murder of civilians by communist terrorists is virtually ignored.

Lt. Chuyen estimated some five million people in the south are on what he called the communists' "blood debt" lists. For every 100 on the lists 10 to 15 would pay with their lives, another 40 would be imprisoned and the rest would undergo "thought reform," he predicted.

Included on the lists are a million Catholic refugees who fled North Vietnam, some two million South Vietnamese troops, government officials down to the hamlet level and paramilitary groups, more than 100,000 North Vietnamese and Viet Cong defectors, some 100,000 South Vietnamese working for the Americans and numerous elements of the "bourgeois" class.

Captured communist documents define "enemies of the people" as including "anybody who grumbles about the revolution; anybody with suspicious past activities or who acts suspiciously; individuals who display a backward ideology or dishonest concepts, exploiters (anyone benefitting from the labor of others); tyrants (anyone working for the government); anybody whose relatives are working for the enemy in any way; members of religions who still remain deeply superstitious," etc.

One document states what will happen when the communists take over: "Even after the Fatherland is completely liberated the fight will continue, fierce and complicated. Then the real tasks of eliminating reactionaries, informants, American henchmen, religionists, etc., will begin."

[From Time magazine, Dec. 15, 1967]

THE WAR—THE MASSACRE OF DAK SON

The worst atrocity yet committed in the Vietnam war began its course last week when a handful of Viet Cong crawled up to the wall-and-wire perimeter of the hamlet of Dak Son, some 75 miles northeast of Saigon. The V.C. called for the hamlet's inhabitants to surrender and come out. When they got no takers, they withdrew, hurling behind them their ultimate epithet: "Sons of Americans!" Earlier in the day, villagers had reported to their 140-man

defense force that some Viet Cong were roaming through the surrounding fields. But that was hardly unusual, or cause for any particular alarm. The Viet Cong had steadily harassed Dak Son, and four times this year had mounted an attack and tried to overrun it; each time they had been stopped short of the defense perimeter and thrown back.

The reason for the intense interest in Dak Son, a hamlet of 2,000 Montagnard people, was that it was the new home and sanctuary of some 800 Montagnard refugees who 14 months ago fled from life under the Viet Cong in the surrounding countryside, where they had been forced to work in virtual slavery as farmers and porters. The Montagnards are the innocents of Viet Nam: primitive, peaceful, sedentary hill tribesmen. The women go bare-breasted and the men, who scratch out a living by farming and hunting with crossbows and knives, wear loincloths. The Viet Cong not only missed the services of those Montagnards who had fled to government protection, but also feared that their lead might be followed by the 20,000 other Montagnards in the province of Phuoc Long, many of whom are still serfs of the V.C. Lest the others should get the idea of seeking government protection, the Communists decided to make an example of the refugees of Dak Son.

YELLING AND SCREAMING

As in most Vietnamese villages, the people of Dak Son were completely unarmed, and most of them were women and children. The Viet Cong began their attack at midnight, pouring machine-gun, mortar and rocket fire into Dak Son as they had in the past. This attack, however, was to be very different from the others. The 600 Viet Cong who assembled outside Dak Son were armed with 60 flamethrowers. Yelling and screaming, they attacked the town, shooting countless streams of liquid fire that lit up the night and terrified by its very sight a people who had only recently discovered the use of matches.

The Viet Cong first broke through the perimeter opposite the refugee quarter and forced the outmanned militia force to retreat across the road into the town proper. There the militiamen were surrounded and isolated—and for the rest of the macabre night pointedly ignored by the marauders. The Viet Cong were not intent on a military victory but on the cold-blooded, monumental massacre of the helpless Montagnards.

To that end, long ugly belches of flame lashed out from every direction, garishly illuminating the refugee hamlet and searing and scorching everything in their path. The shrieking refugees still inside their houses were incinerated. Many of those who had had time to get down into dogholes beneath the houses were asphyxiated. Spraying fire about in great whooshing arcs, the Viet Cong set everything afire: trees, fences, gardens, chickens, the careful piles of grain from the annual harvest. Huts that somehow survived the fiery holocaust were leveled with grenades. Then the houses of fire were sprayed down inside the exposed burrows. Later, the Communists incinerated a patch of the main town just for good measure.

NIGHT OF TERROR

One mile away, at the town of Song Be, Dak Son's intended defenders, a battalion of South Vietnamese soldiers, clenched their fists in helplessness as they watched the flames on the plateau mount higher and higher into the dark sky. Their small force of helicopters had earlier been sent out on another mission and could not be recalled. A march on foot to relieve Dak Son would lead through a wild and deep ravine separating the burning hamlet from Song Be. It meant three miles on a tortuous and twisting trail in the darkness—and an almost certain Viet Cong ambush. Dak Son's only out-



side help during its long night of terror and death was a single C-47 Dragonship that hovered over the hamlet, spraying the surrounding fields with its miniguns. The grim gunners had no need of flares to spot their targets.

Only when they ran out of fuel for their flamethrowers did the Viet Cong resort to guns. Forcing 160 of the survivors out of their dogholes, they shot 60 of them to death on the spot. Then, finally abandoning the smoking ruins of Dak Son at dawn, they dragged away with them into the jungle another 100 of the survivors.

#### GHASTLY EMBRACE

In numb horror, the other survivors stumbled out to look for wives, children and friends. They held handkerchiefs and cabbage leaves to their faces to ward off the smell of burnt flesh that hung over everything. One by one the dogholes were emptied, giving up the fire-red, bloated, peeling remains of human beings. Charred children were locked in ghastly embrace, infants welded to their mothers' breasts. The victims were almost all women and children. The dead adults were covered with scorched mats and blankets salvaged from the ashes, the bodies of babies laid in bamboo baskets. One man lost 13 members of his family. All told, 252 of the unarmed Montagnards had been murdered and another 100 kidnapped; 500 were missing, either dead or fled into the hills. Nearly 50 were wounded, 33 with third-degree burns over up to 20% of their bodies. Three U.S. Army doctors treating them in Song Be's dispensary were sickened and appalled by the sight. One remarked that any hospital in the U.S. would be paralyzed by that many burn cases being brought in at once. The doctors did their best.

The Viet Cong's aim was clearly to frighten the rest of the Montagnards from seeking haven in government towns like Dak Son. But in this case, Communist terrorism had clearly overshot its mark. Chanting and weeping as they buried their dead, the Montagnard survivors resolved to stay in Dak Son and rebuild the hamlet. More than 100 men immediately volunteered for irregular-force training and a chance to defend Dak Son should the men with "the guns that shoot fire" ever show up again.

[From the Kansas City Times, Dec. 27, 1969]

#### CLOUD OVER VIETNAM'S CATHOLICS

(By Ernie Zaugg)

SAIGON.—It is a pleasure to meet a real nice Vietnamese family which struggles bravely with its difficulties.

You walk through clean, narrow alleys past tiny apartments to the house of Mrs. Chuyen Thai Khac, wife of the victim of the Green Beret killing.

During a previous visit when her troubles and the TV cameramen seemed about to overwhelm her I found her angry and frightened.

Her attitude then was "Why me, Buddha?"

She wrote a letter to President Nixon demanding compensation for the killing of her husband. She had gotten only three years wages from the Green Berets.

This time, though President Nixon has not answered, I found her calm and reconciled. A Buddhist priest had told her she must accept her fate.

"Not through enmity is enmity overcome, but through friendship," the priest told her.

In a rebel camp in the hills I had a visit from four men who came to tell me how their families had been massacred.

They said a truck in a convoy of the forces of order had been blown up by a mine. The soldiers of the government fanned out and killed 40 women and children in a village, while the men were hiding in the woods.

One bearded man said his entire family was wiped out.

His attitude was "Why me, Allah?"

The year was 1958. They were Algerians. The forces of order were the French. The massacre was at Martimprey near Freneda.

"Why me?" is a question one often hears. The young Americans caught in the draft lottery ask it.

"Why me, Buddha?" asked the villagers of My Lai, scene of an American massacre.

In 1954 almost one million Catholics fled from North Vietnam to South Vietnam to get away from communism. Many perhaps said, "Why me, God?"

If the United States should suddenly pull out of Vietnam without leaving adequate protection, they may again ask, "Why me, God?" along with millions of others.

Donald Horace Rochlen is an expert on psychological war for the U.S. State department in Saigon. His office is full of captured Viet Cong documents and records of Viet Cong defectors. Since 1964 he has been interpreting this material. Perhaps nobody understands better than Rochlen how the Viet Cong and North Vietnamese think.

Rochlen said, "There are two striking opinions in the Viet Cong camp as to what will happen with the Catholic refugees from the North, if the Viet Cong win control of South Vietnam: they will be massacred or they will be forced to go back North on foot."

The Catholic refugees are referred to in the captured documents as "superstitious remnants of the old order." In North Vietnam their flight is believed to have been "instigated" by Cardinal Spellman and always has been regarded as a hostile act.

They escaped under great difficulties in 1954. Though their departure had been agreed to in Geneva the North Vietnamese Communist tried by guile and brutality to prevent them from leaving. At Haiphong they boarded American ships with their children and holy pictures after being cured of diseases by the famous Dr. Tom Dooley, then a Navy Lieutenant.

Though preferable to massacre, a long march North would be a hardship for these Catholic families. They doubtless would be accompanied and "reeducated" on the way by political commissars to prepare them for life with communism.

They might find in the Viet Cong villages through which they pass punitive choruses singing reproachful refrains about their "crime"; for example, "They betrayed their home in the North; now they have to walk back."

Such choruses have been reported as part of the brainwashing system of Vietnamese communism. Like a chorus of ancient Greek tragedy, they are a grim background to action. Renate Kuhn, the German nurse who was captured by the Viet Cong, said the guards who marched with her in the jungle formed such a chorus, singing the same refrain hour after hour: "She said she knew no English, but she knew English all the time." She had denied knowing English so they would not force her to do an English propaganda tape against the American army. The chorus was taken up by the villagers every where she stopped. It was often the last thing she heard at night and the first thing she heard in the morning.

Many of the political and military leaders of the war against the Viet Cong have come from the Catholic refugee families of the North. They would in any case be brought before people's courts and executed, if they did not succeed in escaping.

Donald Kirk, Asian expert of the Washington Star, comparing the Catholic refugees with the Jews escaping across the Red Sea, said, "It is unlikely they would let themselves be led back across the Red Sea into Egyptian bondage. They would fight to the last man in the streets of Saigon. They have not been fighting communism for 23 years to now give up so easily."

Donald Rochlen believes that reprisals against other categories could be expected,

if the Communists win. He said, "I have had in-depth interviews with 600 defectors and prisoners. One defector, Col. Tran Van Duc, for 24 years a Communist party member, believes that 3 to 5 million people would be killed. I think about a million would be killed and another million would wish they were dead."

Rochlen showed me many documents which gave me an intimate and gruesome feeling for the struggle in the villages of Vietnam, where every night is a night of the long knives. One typical document said, "Group A should kill 11 tyrants (government officials) preferably those who have actively interfered with the Revolution."

Another document praised a group for the assassination of five government leaders of a group of hamlets.

This sort of thing has been going on for years. The assassinations are ordered by the Viet Cong security organizations, the most feared groups in Vietnam.

Rochlen said, "We know more about the Viet Cong security organization in this office than is known anywhere except in the office of the Viet Cong security. Lines of command go to the Viet Cong headquarters in South Vietnam and to central security in Hanoi."

Rochlen described the organization of a Viet Cong village. "There are many sub-organizations in every village, perhaps 17 in one village: clubs for old women, for boys, for men, for peasants, for tradesmen, political clubs, proselytizing clubs, clubs for just about everything. There is nothing more thoroughly organized than a Viet Cong village. Perhaps not all these clubs are active at any given time, but they are there and can become active immediately. So tightly is a Viet Cong village organized that one could almost say that the babes in arms have a political function."

(One political function of babies I have often seen on village sweeps. A Viet Cong peasant fires from ambush killing an American. Then he takes a baby in his arms and sits by a hut amidst the women and children. This gives him an innocent appearance and it is difficult for the American officer to get the baby out of the man's arms and give it to one of the women, so he can be taken into custody. This adds to the frustration of the Americans and leads to such things as the My Lai massacre. Small children have functions connected with the laying and watching of mines.)

Rochlen continued, "As a liberal I say there are two organizations in the world which are well-organized: the 2,000-year-old Catholic church which derives its structure from the Roman empire and the Communist party which is challenging the Church in countries like Vietnam."

"These things are not widely known in America or accepted. Men like Roger Hillsman and Senator McGovern, who say that the Viet Cong will not take reprisals, do not understand Asian realities. The public in America is not interested in Asian atrocities unless they are committed by Americans. We had demonstrations when two Greek journalists were executed in Athens, but at the same time 150 Chinese were publicly strangled in Peking. They went unnoticed."

The men of the Viet Cong security organization are from the lowest classes, landless peasants, pedicab drivers, who for the first time enjoy privileges and power. Perhaps there are some exceptions but the great bulk of the security men are the humblest. They can be relied upon for they never had so much power.

On the black list for the future trial by people's courts or for immediate assassination are all government officials, so-called "tyrants," also class enemies, people with property, people with land, people who live from the labor of others. From these lists came the massacre victims of Hue. About 3,000 bodies were recovered from mass graves

around Hue, some buried alive, including two French priests.

Also on the lists are members of reactionary parties, people who perform "the enemy's" cultural work, art, the press, "those who grumble about the Revolution and land reform and those who have been put in jail by the Revolution."

Elite troops, the Vietnamese Marines, airborne and Rangers, who have volunteered are on the list.

The science of foretelling future massacres is of course not an exact science any more than is the science of telling of massacres which have already happened. However, there is no doubt about Rochlen's detailed and precise knowledge of the methods and mentality of Viet Cong.

He said, "Not all Viet Cong are killers. That is nonsense. Most of them are victims of the Communist party as much as their victims."

Rochlen, a voice crying in the wilderness, a prophet who will not be heard in his own country. He is like those in World War II who warned of Hitler's intentions in regard to the Jews. Rochlen claims that we know more about Viet Cong massacres and massacre-mentality than we know about Hitler.

In five years he may say, "I told you so."

Rochlen first attracted the attention of Viet Cong radio propagandists when he and Nguyen Que, his Vietnamese associate, discovered the fraud of the fake martyr Be. The Communists claimed that one of their soldiers, Be, killed 67 American soldiers and himself in an heroic martyrdom with a mine. Statues of Be were set up in Hanoi. Dramas and poetry and hundreds of articles were written about Be by the regimented writers of the North. Everyone in the North believed in Be and the youth emulated him. Then Rochlen and Que found Be alive and healthy in a jail. Be now lives in Saigon. Naturally our counter-propaganda exploited the Be myth to the hilt, but in the North people still believe in Be.

"Are you not afraid of the Viet Cong security organization?" I asked Rochlen. "No," he said. "You know in medieval times the average life of a man was 32 years. I have already reached 38."

[From the Philadelphia Bulletin, Apr. 19, 1970]

#### PUTTING THE VC IN PERSPECTIVE (By Edith Kermit Roosevelt)

WASHINGTON.—While the press has devoted special attention, complete with photographs, to alleged maltreatment of Viet Cong prisoners by American or Vietnamese armed forces, it has largely ignored the massive, systematized terror of the Viet Cong against the Vietnamese people.

Every once in a while, one sees a reference to the fact that Viet Cong terrorists have been assassinating and abducting many thousands of victims every year—South Vietnamese village chiefs, local administrators, teachers, wives and children of government militiamen, teen-age boys and girls. But the treatment given is so perfunctory, so impersonal and so statistical as to be virtually meaningless. Only rarely do American correspondents take the trouble to visit villages where Viet Cong atrocities have occurred and to gather material and photographs for on-the-spot stories.

#### A FACT OF WAR

Certainly, U.S. forces have been guilty in isolated instances of maltreatment of prisoners. There has probably never been a war situation in which some prisoners on both sides have not been subjected to some kind of physical duress in an effort to extract intelligence from them. Also, in Vietnam, where women and children carry arms and are trained to fight by the Viet Cong, the distinction between civilians and soldiers has become tragically blurred.

In contrast to any maltreatment of pris-

CXVI—1040—Part 12

oners by U.S. forces, the Viet Cong terror has been a matter of systematic policy. After a trip to Vietnam, Sen. John Tower (R-Tex) compiled a list of major terror incidents from sources in the U.S. mission in Saigon, the State Department, Pentagon and the Library of Congress. He said the record showed that between 1957 and 1967 alone, the Communists assassinated 11,000 and kidnapped 40,000 South Vietnamese civilians.

#### "SMALL" INCIDENTS

Most of the thousands of Viet Cong atrocities that occur each year are on a small scale. But through the United States Information Agency, the American press corps in Saigon has been receiving daily reports listing some of these incidents—a village chief assassinated in one district, three young men kidnapped in another district, or a mother and child killed when a hamlet was fired on. Why don't American correspondents more often visit these sites for stories based on conversations with the victims or with their relatives, supplemented where possible with photographs?

After a visit to Vietnam, Sen. Thomas Dodd (D-Conn) declared he had received categorical assurances from the South Vietnamese Government that they would place no impediments in the way of any American reporter who decides to visit a Vietnamese village anywhere in order to check on Viet Cong atrocities.

One of the most damning documents on Viet Cong terrorism that was almost entirely ignored by the so-called prestige press is a report entitled "Impact on Education of Terrorist Activities in Vietnam," prepared by the World Confederation of Organizations of the Teaching Profession. A commission which made an on-the-spot study in Vietnam was under the chairmanship of S. Natarajan, vice president of the World Confederation and also vice president of the All-Indian Federation of Educational Associations. Among the commission's findings were:

"The Viet Cong has been conducting since 1959 systematic attacks against the national school system in South Vietnam, demolishing and burning schools, school materials and equipment and threatening, kidnapping and executing teachers."

[From the Washington Post, Dec. 5, 1969]

#### HANOI, VC KILL CIVILIANS REGULARLY (By Jack Anderson)

This column has been shown a stack of documents, many of them classified, which prove beyond any doubt that the U.S. command has striven to prevent atrocities in Vietnam but that Hanoi has actually encouraged atrocities.

The evidence is overwhelming that the Communists have used murder and massacre, as a matter of policy, to eliminate political opponents and terrorize the population. The Americans, in contrast, have issued strict orders against cold-blooded killings and have brought pressure to stop their South Vietnamese allies from violating the Geneva code.

Also, the U.S. painfully investigates its own atrocities, whereas, Hanoi has tried to justify Communist war crimes.

Yet the American outrages, such as the Green Beret murder and the Songmy massacre, are blown up in the world press, which scarcely takes notice of worse Communist atrocities.

#### IGNORED MASSACRES

On Dec. 5, 1967, for instance, the Vietcong surged into the Montagnard village of Dak Son near the Cambodian border, scorching the huts with flame throwers and heaving hand grenades indiscriminately. More than 200 noncombatants, 70 per cent of them women and children, were killed. The Vietcong abducted another 400 villagers as forced laborers.

Reporters were shown the charred evidence,

and survivors told their stories. But the press paid almost no attention.

On Feb. 23, 1969, North Vietnamese forces overran the hamlet of Kon Horing, wildly shooting and burning. They set fire to more than one-third of the shelters in the village. When the occupants tried to flee, the troops mercilessly gunned them down. All told, 78 were killed by gunfire, 100 burned to death and 125 homes were destroyed.

Perhaps the most shocking war crimes were uncovered in Hue while the Communists held the ancient city during the Tet offensive.

"Despite the intense fighting in the city," declares a State Department document, "cadres equipped with lists of names and addresses on clipboards went about arresting and executing Vietnamese and foreigners who were of significance in the community. Often their wives and children were executed with them."

A State Department telegram, dated May 6, 1968, and stamped "confidential," gave this preliminary report of what the U.S. forces found after driving the North Vietnamese out of Hue:

"More than 1,000 people were executed by the NVA (North Vietnamese) and Vietcong in the Hue area during the Communist Tet offensive. The victims were found in 19 separate mass grave sites. Many had been shot, some beheaded. A number of bodies showed signs of mutilation.

"Most were found with hands bound behind their backs. Almost half of the victims were found in conditions indicating they had been buried alive. Many were found bound together in groups of 10 to 15, eyes open, with dirt or cloth in their mouths."

#### GLORIFYING MASSACRE

Subsequent discoveries have boosted the number of victims, more than half of them women and children, to 3,500. Yet Hanoi, instead of showing any remorse over the incident, has given the massacre its official blessing.

On April 27, 1968, Radio Hanoi glorified the Hue massacre and described the helpless victims as Hooligan lackeys who had owed blood debts to the (Communist) compatriots and who were annihilated by the Southern armed forces and people."

Indeed, cold-blooded killings have become everyday affairs in the wake of the Vietcong. Their own documents tell how they systematically exterminate anti-Communists, including Nationalist Party members who oppose both Hanoi and Saigon rule. Quotas are even set, in Communist fashion, to make sure the extermination policy is carried out. A typical document, captured by U.S. forces in Quang Ngai province, boasts: "The anti-revolutionaries have become confused and panic-stricken because of our ever greater exploits scored during the recent (offensive). We killed 96 tyrants, captured 148 who owed blood debts to the people, and destroyed or disintegrated many rural pacification teams . . .

"Targets for elimination are members of the (Nationalist) party committees at province and district levels, the senior party members and the secretaries of village party committees . . .

"The destruction of Nationalist Party reactionaries is not a one-shot affair. It is a continuous process. We must destroy them by every means available . . . We must do this in such a way that the Nationalist Party committee members at district and village levels will be frightened into abandoning their activities, their offices and their party."

The U.S. documents, made available to this column, stress American concern for innocent civilians, helpless prisoners and other non-combatants. When a South Vietnamese soldier shot a guerrilla pinned in the wreckage of a bridge and an unidentified American officer commented that U.S. forces also shot wounded Vietcong, for example, the incident



precipitated an immediate and typical investigation.

[From the New York Times, July 26, 1967]

**MIDNIGHT VIETCONG RAIDERS SLAY 6 AS INFORMERS**  
(By Tom Buckley)

BINHTRIEU, SOUTH VIETNAM, July 25.—Between 1 and 2 o'clock this morning, there were knocks on the doors of five huts in this hamlet on the outskirts of Saigon.

Men in khaki uniforms led six persons, among them a woman and her 16-year-old son, to Highway 13. Their hands were tied behind their backs. They were forced to kneel. Then each was shot in the back of the head.

Into the waistband of the shorts that each victim wore the men in khaki tucked a death warrant, stamped with the red seal of the Vietcong. The six had been tried and sentenced to death by the guerrillas, the warrant said, for acting as informers for the national police.

Early this evening, while a gray sheet of monsoon rain fell and four villagers closed the graves of two of the dead men, who were brothers, with gray paddyfield mud, their widows told how the sentence had been carried out.

"I am the village midwife," said Mrs. Lee Thi Hue, the widow of Lien Van Hai, a 41-year-old tenant farmer.

"The men outside the door said they were from the militia outpost down the highway. They said that the wife of one of the soldiers needed me.

"I refused to open the door. I said it was too dark to go out. My husband woke up. He was standing behind me. Finally, the men just pushed their way in.

"One of them asked my husband, 'Are you Mr. Hai?' My husband just nodded. They grabbed him by the arms and searched him. Then they led him off. He looked at me and shook his head. We did not exchange a word.

"They stopped on the path to Highway 13, made my husband take off his white undershirt. They must have thought it would be too easy to see. They threw it into the bushes and went on. I picked it up there this morning."

The widow, a short, worn woman who is six months pregnant, did not weep. Her pretty 9-year-old daughter, clung to her leg as she spoke. Both wore white bands of Buddhist mourning around their heads. They stood barefoot on the damp earthen floor of her sister-in-law's hut.

**FUNERAL MEAL SERVED**

On the square sleeping platform in one corner before a smoking kerosene lantern and sticks of burning incense, a funeral meal was set out. There were dishes of pork and beef, sliced cucumbers, green beans, noodles, rice, cake and bread, bananas and the sweet russet-skinned fruit known as mangosteens.

Mrs. Nguyen Thi Bong, the widow of Lien Van Thach, a 28-year-old army veteran who was a truck driver at a brick kiln, said she had tried to follow her husband out the door of their hut.

"They said they were taking him to the district headquarters," she said. "I tried to go with him. I was suspicious of what they said, but they forced me back inside with their guns. 'Go to sleep' they told me."

Binhtrieu lies about two miles north of the Saigon city limits.

Since the first of the year, Binhtrieu has been designated as a "New Life hamlet." A 59-member revolutionary-development team is assigned there, as in hundreds of hamlets throughout the country, to assist the farmers and to try to re-establish Government influence.

The team, all of whose members are armed, remained in its quarters until dawn, as did a 10-man militia detachment stationed at a bridge 100 yards from the scene of the executions.

By midmorning, a company of the United States' 199th Light Infantry Brigade and a company of South Vietnamese rangers were searching the area for the assassins.

An American officer said that a partial description of two of the guerrillas had been obtained. "We think they're members of the local VC company," he said.

The two widows said their husbands had never been informers.

[From the Washington Star, Mar. 6, 1967]

**SURVIVOR DESCRIBES MASSACRE BY REDS—**  
**THROATS OF 11 SLIT**

CAN THO, SOUTH VIETNAM.—Vo Van Hiep, 44, was the only available witness who could talk about the massacre of chained Vietnamese civilian prisoners by the Viet Cong.

The other witness cannot talk because his throat is slit from ear to ear. He and Hiep were the only survivors of 12 in the brutal atrocity, discovered Saturday.

Just before sunrise Saturday, Vo Van Hiep lay with a gaping chest wound inflicted by a Viet Cong knife. He thought his time had come, but he was lucky.

From a hospital bed yesterday he told how Viet Cong soldiers killed the prisoners, then fled minutes before a company of South Vietnamese rangers swept through a village deep in the Mekong river delta south of Saigon.

**FIFTEEN MONTHS A PRISONER**

Hiep used to be a farmer. For the last 15 months, he was a Viet Cong prisoner.

He was seized, Hiep said, because the Viet Cong believed incorrectly that several of his relatives worked for the South Vietnamese government.

When the Rangers arrived they found the prisoners chained together at the ankles. Nine men and a woman were dead. They were lying in the jungle near the hamlet of Ap Rach Dia.

Hiep said the Viet Cong cut most of the prisoners' throats. He said he lay with his chest wound and a punctured lung for about five minutes before he was rescued and taken to the hospital here.

"I thought I was dead," Hiep said through an interpreter.

About 150 Viet Cong had been operating in the village, which is in a Communist-infested area 65 miles southwest of Saigon.

Hiep said he was kidnapped from the delta village of Nhi Long and lived manacled in a hut for the long months of his capture. His spindly limbs attested to his meager diet.

**TOLD OF IMPENDING DEATH**

The wounded man said he and his fellow prisoners had little warning of the massacre.

He said the Viet Cong told them the army was coming and that they were to be killed. With that, they were blindfolded and the bloodletting began.

The assassins retreated to the screams of the dying, and only minutes ahead of the advancing troops of the 43rd Ranger Battalion.

The other survivor is a 55-year-old farmer named Sanh.

While Hiep talked, Sanh lay in another bed at the end of the hospital ward. He occasionally grimaced with pain from multiple knife and gunshot wounds in his heavily-bandaged body.

[From the Columbus Dispatch, Nov. 11, 1969]

**RAPID VIETNAM WITHDRAWAL WOULD RESULT**  
**IN BLOODBATH**

(By John Chamberlain)

President Nixon, in his gallant effort to end the U.S. involvement in South Vietnam without selling out an ally, has to contend with students who have never traveled and have no firsthand memory of the crises that have created the pattern of the post-World War II world.

The students, being young, will live and learn, and one hopes it won't be on the

beaches of Australia or Hawaii. But what do you do about a man like Averell Harriman, who has spent a lifetime dealing with the Communists and still seems unable to form any valid generalizations from the things he has experienced?

Just after President Nixon had warned his listeners that any sudden Viet Cong takeover in South Vietnam would surely be followed by massacres of the anti-Communist and Catholic populations, Harriman went on the air to hem and haw when asked about the probability of bloodbaths in case of a U.S. withdrawal.

It was quite impossible to know with certainty what Harriman was driving at, but he seemed to be saying that a coalition government in South Vietnam could be trusted to hold murder to a minimum, and, anyway, he didn't think the Viet Cong would want to kill large numbers of their enemies. He had told the Yale students the same thing the previous week, throwing in a gratuitous slap at columnist Joseph Alsop, who thinks Communists are murderous by conviction.

Harriman hasn't always been wrong in his predictions of Communist behavior; during World War II he warned Washington that Joseph Stalin intended to take all of Europe that the Russian marshals could get their hands on. But his flashes of good judgment have been intermittent, to say the least.

In 1945 he badgered the Romanian non-Communist leaders into entering a coalition with Communists. Naturally, the non-Communists didn't live very long to tell the tale, or, if they did, their words were wasted on the silent walls of Joe Stalin's prisons.

It may be quite true that Romania, being on the lee side of the Soviet armies when world War II was concluded, had no choice save to go Communist. However, Harriman might have warned the non-Communist Romanians to take a night train to Turkey while the going was still good.

Harriman didn't do much better when, as our Assistant Secretary of State for Far Eastern Affairs, he had to deal with the "neutralization" of Laos, where he tried to force the local anti-Communists into a coalition.

Harriman is now bemoaning the "unrepresentative" character of the Thieu-Ky government in South Vietnam. But, as one of the State Department group that advised John F. Kennedy to get rid of the Diem regime in Saigon, Harriman bears some of the blame for whatever has taken place in South Vietnam since 1963. As the late Marguerite Higgins, said, the destruction of the Diem government wiped out almost everyone in the country who had had any important experience in administration. Query: how do you advance "democracy" by killing off expertise?

If there is one generalization that can be made above all others, it is that Communists murder the opposition wherever they take power. Has Harriman forgotten the mass slaughter of the Polish army officers in the Katyn forest? Has he forgotten what happened in the Baltic provinces in 1940? A good estimate is that 70 million people have been killed by Communists since 1917.

Does anybody in his right mind believe that the successors to Ho Chi Minh would be less likely to indulge in massacre than the men who taught nice old Uncle Ho his business? I'd like to give Averell Harriman a second chance to answer that question.

[From the Washington Post, Sept. 15, 1969]

**MASSIVE WITHDRAWAL BY UNITED STATES**  
**WOULD SPARK VIET MASSACRE**

(By Joseph Alsop)

HUE, SOUTH VIETNAM. At this juncture, President Nixon had better reflect on what the Communists did in Hue at Tet a year and a half ago.

The President might start by pondering the Communists' method of avoiding need-

less waste of ammunition. For this purpose parties of 15 or 20 of their victims in Hue were forced to dig their own burial trenches. Their ankles were tied. Their elbows were also tied behind their backs, and a rope was passed through all their elbows. They were then ordered to squat in line on the brink of the trench.

That way, a sharp tug at each end of the rope was enough to tip the whole line of squatting men, women and children (for there were also children!) into the trench. No doubt they writhed in their rope; but it was still very easy to bury them alive.

Such was the fate of many, when the Communists briefly seized this lovely little city in the Tet offensive. In Hue itself, about 2000 civilians were buried alive or sprayed at the trench-side with automatic weapons, or had their heads broken with mattocks. About another thousand civilians were killed in the same manner along the line of march of the retreating North Vietnamese regiments.

When the horrible mass graves were found, the "Liberation Radio" finally reported the massacre but claimed that only "imperialist lackeys" had been executed. Of the bodies that could be identified, however, only 30 per cent had the remotest connection with the American or Vietnamese government. The rest were mere accidental victims, punished at random for Hue's failure to join the "popular uprising" that Hanoi's strategists had forecast.

Ironically, it is now needful to remember this savage episode because this city, so recently a shambles is once again the prettiest in South Vietnam. A brilliant province chief, Col. Li Van Than, has not merely rebuilt Hue; he has also led all the people of his province far down the road to peace and prosperity.

It is indescribably moving, in truth, to drive by jeep, unescorted and unarmed, through the little villages of this province and its neighbor to the north, Quangtri. The situation here is altogether different from that in Binhtrung and Haungbia provinces, where there are almost no remaining Vietcong but plenty of enemy troops from North Vietnam. In the populated areas of these two provinces around Hue, there are, to all intents, no enemy troops whatever. So there is peace.

Everywhere, the hard crusts of fields three or four years fallow are being broken to put in crops. In Hue's province, the dikes are everywhere beginning to be rebuilt, to keep the salty seawater from the land.

Almost every village and hamlet has its own elected government. Everywhere you run into the men of the Regional and Popular Forces. For these people are ready and eager to defend their peace. And in hardly any hamlet or village of this province do you see American or South Vietnamese soldiers.

In the province, the soldiers are either in the mountains or along the Demilitarized Zone. And that is the crux of the matter, which now makes it needful to recall the Hue massacre at every step and with every decision in Washington.

For the people live in peace, along the fertile coastal strip of these two provinces, because the soldiers \* \* \* are in the mountains, or in the Ashau valley, or along the DMZ still fighting the war. The soldiers are in fact the screen for the people's newly found peace.

Over and over again, in heavy force all during the imaginary "lull," North Vietnamese regiments have tried to move south to drive through the screen and reach the populated areas. Let the President ruin this screen by too many troop withdrawals, and one or two or three regiments of North Vietnamese will manage to get through. There is not an American commander here who does not fear it.

Let those regiments get through the

screen, moreover, and the Hue massacre will look like a Sunday school picnic. While other enemy units pin down our men and the 1st ARVN, the screen-penetrating regiments of North Vietnamese will surge up and down the coastal strip, killing the Regional and Popular Forces to the last man, murdering the village and hamlet chiefs, staining the whole land with blood. And that blood will be on our hands!

So what about it, Mr. Nixon and Mr. Laird and Mr. Rogers and Gov. Harriman and my dear friends in your editorial ivory towers? Here are a million people, to whom at long last we have managed to bring peace, who have also put their trust in us. At least a hundred thousand of them will be doomed out of hand, if that screen is even seriously broken through. Do you want the responsibility for a hundred thousand deaths, or shall we wait until Hanoi has been finally forced to end the war?

[From the Baltimore Sun, Apr. 6, 1969]

#### TERRORISM STEPPED UP BY VIETCONG

SAIGON, April 6.—The number of South Vietnamese civilians, government workers, local officials and paramilitary agents assassinated and kidnapped by the Viet Cong is increasing, according to Saigon government figures.

The increase in terrorism during the first three months of this year indicates:

1. The local guerrillas, far from being demoralized and disorganized by their heavy losses, have been able to step up their long-term tactic of selective murder and impressment while carrying out the post-Tet offensive by shelling military bases and outposts.

2. The accelerated pacification program, a three-month effort to speed up government reconquest of contested hamlets that began January 31, might have spread security forces too thin while offering more targets for Guerrilla terrorists.

3. The South Vietnamese Army and the regional militia forces, despite substantial rearming, retraining and recruitment over the past 12 months, are still unable to provide local security in areas nominally controlled by the government.

Government figures show that, exclusive of the mass murders during the Tet onslaught, 5,361 South Vietnamese were assassinated and 8,556 were kidnapped during 1968.

During the first three months this year, 1,995 assassinations and 3,072 kidnappings were reported.

And, including the increased number of victims of rocket, mortar and time-bomb attacks during the current offensive, the rate of terrorist killing has doubled from 100 assassinations a week to 200 in the first months of this year.

[From the Washington Star, Sept. 13, 1969]

#### VIET CONG TERROR TACTICS

A set of statistics released by the Thieu government indicates all too vividly that the Viet Cong's program of systematic terror is continuing unabated.

In the first eight months of this year, the Viet Cong killed nearly 4,283 South Vietnamese civilians, repeat civilians. Another 12,389 were wounded and 5,288 were kidnapped, leaving their eventual fate in doubt.

Read in the context of the political maneuvering by the Vietnamese government and the Viet Cong for postwar position, these grim figures can lead to only one conclusion: The Viet Cong are continuing by every means fair and foul to eliminate the local leaders—doctors, teachers, village officials—who will be needed desperately on that uncertain day when the shooting stops.

This is not to suggest that our side has not on occasion resorted to tactics not found in the combat infantryman's handbook.

The point is, however, that the weight of world public opinion invariably comes down

like a ton of bricks on the South Vietnamese and Americans in such cases, while the horrible and systematic campaign of terror waged by the Viet Cong receives scant attention. If only for that reason, then, the news of these Viet Cong crimes against unarmed civilians is well worth publicizing as a way of restoring more measure of balance within the ranks of the more intemperate war critics.

[From Time magazine, Oct. 31, 1969]

#### THE MASSACRE OF HUÉ

"At first the men did not dare step into the stream," one of the searchers recalled. "But the sun was going down and we finally entered the water, praying to the dead to pardon us." The men who were probing the shallow creek in a gorge south of Hué prayed for pardon because the dead had lain unburied for 19 months; according to Vietnamese belief, their souls are condemned to wander the earth as a result. In the creek, the search team found what it had been looking for—some 250 skulls and piles of bones. "The eyeholes were deep and black, and the water flowed over the ribs," said an American who was at the scene.

The gruesome discovery late last month brought to some 2,300 the number of bodies of South Vietnamese men, women and children unearthed around Hué. All were executed by the Communists at the time of the savage 25-day battle for the city, during the Tet offensive of 1968. The dead in the creek in Nam Hoa district belonged to a group of 398 men from the Hué suburb of Phu Cam. On the fifth day of the battle, Communist soldiers appeared at Phu Cam cathedral, where the men had sought refuge with their families, and marched them off. The soldiers said that the men would be indoctrinated and then allowed to return, but their families never heard of them again. At the foot of the Nam Hoa mountains, ten miles from the cathedral, the captives were shot or bludgeoned to death.

Shallow Graves. When the battle for Hué ended Feb. 24, 1968, some 3,500 civilians were missing. A number had obviously died in the fighting and lay buried under the rubble. But as residents and government troops began to clean up, they came across a series of shallow mass graves just east of the Citadel, the walled city that shelters Hué's old imperial palace. About 150 corpses were exhumed from the first mass grave, many tied together with wire and bamboo strips. Some had been shot, others had apparently been buried alive. Most had been either government officials or employees of the Americans, picked up during a door-to-door hunt by Viet Cong cadres who carried detailed blacklists. Similar graves were found inside the city and to the southwest, near the tombs where Viet Nam's emperors lie buried. Among those dug out were the bodies of three German doctors who had worked at the University of Hué.

#### SEARCH OPERATION

Throughout that first post-Tet year, there were persistent rumors that something terrible had happened on the sand flats south-east of the city. Last March, a farmer stumbled on a piece of wire; when he tugged at it, a skeletal hand rose from the dirt. The government immediately launched a search operation. "There were certain stretches of land where the grass grew abnormally long and green," Time Correspondent William Marmon reported last week from Hué. "Beneath this ominously healthy flora were mass graves, 20 to 40 bodies to a grave. As the magnitude of the finds became apparent, business came to a halt and scores flocked out to Phu Thu to look for long-missing relatives, sifting through the remains of clothes, shoes and personal effects. 'They seemed to be hoping they would find someone and at the same time hoping they wouldn't,' said an Ameri-



can official." Eventually, about 24 sites were unearthed and the remains of 809 bodies were found.

The discovery at the creek in Nam Hoa district did not come until last month—after a tip from three Communist soldiers who had defected to the government. The creek and its grisly secret were hidden under such heavy jungle canopy that landing zones had to be blasted out before helicopters could fly in with the search team. For three weeks, the remains were arranged on long shelves at a nearby school, and hundreds of Hue citizens came to identify their missing relatives. "They had no reason to kill these people," said Mrs. Le Thi Bich Phe, who lost her husband.

#### NEGLECTIBLE PROPAGANDA

What triggered the Communist slaughter? Many Hue citizens believe that the execution orders came directly from Ho Chi Minh. More likely, however, the Communists simply lost their nerve. They had been led to expect that many South Vietnamese would rally to their cause during the Tet onslaught. That did not happen, and when the battle for Hue began turning in the allies' favor, the Communists apparently panicked and killed off their prisoners.

The Saigon government, which claims that the Communists have killed 25,000 civilians since 1957 and abducted another 46,000, has made negligible propaganda use of the massacre. In Hue it has not had to. Says Colonel Le Van Than, the local province chief: "After Tet, the people realized that the Viet Cong would kill them, regardless of political belief." That fearful thought haunts many South Vietnamese, particularly those who work for their government or for the Americans. With the U.S. withdrawal under way, the massacre of Hue might prove a chilling example of what could lie ahead.

[From the Washington (D.C.) Post, Dec. 7, 1969]

#### HUE: DELIBERATE SLAUGHTER—1968 KILLINGS BY VIETCONG ARE DETAILED (By Don Oberdorfer)

HUE, SOUTH VIETNAM.—Four armed Vietcong led by a local youth came into the house and asked if any young men were there. The old man and old woman said no, but the invaders called out the names of those they sought, and began to search.

A South Vietnamese army captain, two lieutenants, two sergeants and a civil servant from the local treasury office surrendered without a fight in their hiding place in a side room after their names were called. Their arms were bound behind their backs and they were marched away—"They're only going to a meeting," the Vietcong said.

A week or so later, after the Communist forces had been driven from the city, the old woman found them lying in a common grave under the spreading arms of a fruit tree in the playground of the local high school.

"I recognized them very easily from their faces and their clothing," she recalled. "Two of them had a wire twisted round their necks. They all had their arms tied behind their backs. They had been shot in the head."

She had begun to weep when she started to tell the story, breaking down again toward the end. The two sergeants, ages 22 and 23, were her sons. The civil servant was her son-in-law. The officers were close relatives.

The young men have come to rest in the long narrow front yard where they frolicked as children. Most of the yard from the house to the street is taken up with six circular burial mounds, Vietnamese fashion, each with its own headstone bearing the name of the one who lies beneath.

The slaughter in Hue ranks among the most extensive mass execution of the decade and is by far the bloodiest to come to light in the second Indochina war. Though its broad dimension has been often cited as an

object lesson about the Vietcong role by presidents and political leaders, the details have remained elusive.

In an effort to learn more about who was killed and why, I spent five days in Hue accompanied by Paul Vogle, an American who taught English at Hue University for five years and speaks fluent Vietnamese. We interviewed families and friends of more than two dozen victims from the Giahoi area of the city, a quiet residential section which suffered a large share of the killing. We also interviewed officials and old friends and acquaintances as well as a Vietcong leader of the attack who subsequently was captured.

Nearly all the killings we studied fall into one or both of two broad categories:

The deliberate and planned execution of government military men, policemen, civil service and elected functionaries and those suspected of working for or collaborating with the Americans.

The execution, sometimes on the spot, of those who ran from questioning, or who spoke harshly of the occupation force or who otherwise displayed what was described by the Vietcong as "a bad attitude."

#### DOTTED WITH GRAVES

Almost two years after the occupation and the killings many women of Hue have puffy eyes from weeping, and the streets and lanes and parks and front yards of the city are dotted with graves from the recent past.

According to local officials, more than 2,700 bodies or skeletons have been found in circumstances which indicate they were executed by the Communists during or shortly after the 25-day occupation of the city in the 1968 Tet (Lunar New Year) offensive. More than half of the corpses were found in mass burial sites in the countryside this spring and fall, well over a year after death occurred.

#### DISCRIMINATE KILLING

Our study indicated that in the Giahoi area the killings tended to be discriminate. The Vietcong shot or clubbed to death or buried alive those they meant to kill for political or disciplinary purposes. That does not justify the bloodletting. But it does help to explain it.

Except as noted above, we found no suggestions of random killing in Giahoi. In the predominantly Catholic area of Phucam, however, the Vietcong are reported to have abducted en masse and later killed 398 persons, including virtually every able-bodied man over 15 years of age who had taken refuge in the large cathedral there.

We obtained no first-hand reports of this wholesale abduction. But the captured Vietcong leader told us that the Communist party was "particularly anxious to get those people at Phucam . . . The Catholics were considered particular enemies of ours."

The former Vietcong leader, a bright-eyed native of the Hue area whose name is Ho Ty, was arrested by the government police on Sept. 4 this year. At the time of his arrest, he was party secretary for a section of Hue city.

Before the 1968 Tet attack, Ty said, he had been among those assigned to do the advance planning. He said his part of the job was to quickly build a Vietcong apparatus in his area to take the reins of government in a general uprising. He said the killings were planned and executed by a separate group in charge of security.

Ty reported that part of the plan from higher headquarters was to destroy the government machinery of Hue and the people who made it work. This is corroborated by Vietcong documents bearing dates before the attack but captured by U.S. forces much later. The documents describe the main purposes of the Hue attack as the overthrow of the government administration from the province level to the lowest echelon and the establishment of a revolutionary regime in its place.

#### VC ELIMINATED 2,750

A Vietcong after-action report, captured in April 1968 and recently released by U.S. authorities in Saigon, states that in Hue "We eliminated 1,892 administrative personnel, 38 policemen, 790 tyrants, six captains, two first lieutenants, 20 second lieutenants and many noncommissioned officers." The list adds up to 2,750, which is roughly the number of bodies discovered so far.

The best accounts of what happened, though, are not from prisoners, documents or radio broadcasts but from the people of Hue, many of whom wept while recalling the fate of their loved ones. Some of them—like the old woman who lost her two sons and her son-in-law—asked that their names not be published because they are still afraid for their lives.

Giahoi is a pleasant residential area which extends from a single major commercial street to fertile farmland on the outskirts. It is located in the northeast part of Hue city in the Second Administrative District. The total population of the district, of which Giahoi is the largest component, is estimated at 78,000. The bodies of 618 Giahoi residents are reported to have been found since Tet in a total of 48 common graves.

Some residents of the second district were killed by Allied bombings and shelling during the fighting in the area, and by the stray bullets which are so common in the Vietnam war. No more than 50 to 60 of the district residents whose bodies were later dug up are estimated by the district officials to have been killed by accidents of war.

Certainly Le Van Rot, the proprietor of one of Hue's most celebrated Vietnamese soup shops, was not the victim of accidental death. About 9 a.m. on Feb. 5 two men speaking the Hue dialect in the accents of North Vietnam came to the soup shop. They told him to come with them to the Giahoi high school, which was being used as a headquarters by the Vietcong unit in control of the area.

#### DEATH OF A SOUP MERCHANT

Rot readily identified himself and went along, and he and the men returned together that afternoon. After leaving the proprietor at his shop, the Vietcong began calling out his neighbors by name for questioning.

A short time later they returned and accused Rot in loud voices of operating the soup shop as a cover for spying. They bound his arms with wire and directed him to walk out with them. When he resisted they put a bullet in his head. His friends say the soup merchant was not a spy. He was the government block chief in his area and one of the most prominent citizens.

Word of the soup-seller's killing quickly spread new fear through the neighborhood, which was already frightened by sounds of shooting, rumors of assassinations and the sight of corpses in handcarts being wheeled down the street in the direction of the high school.

Civil servants, military personnel, police and anyone working for the Americans had been told to report to the house of a former mandarin around the corner from the high school grounds. After Rot was killed, at least one Vietnamese assistant to the Americans decided to report to the house near the schoolyard. The Vietcong there merely told him to go home and return again the next day. The second time, he was questioned about his job. (He told them he was only an English teacher but actually he fills a more important post.)

Young men whom he recognized as Hue students were standing around the check-in house. All were armed. On another occasion he recognized a coolie whom he had known for years among the armed Vietcong. Finally the functionary decided to flee the area, and was able to do so successfully.

Duong Chanh Vinh, who lived a few doors from the high school, had hidden out in his house with his wife and his 7-year-old daughter for more than a week. Vinh was a former district chief of another area of Hue and knew he was being sought.

On Feb. 7 he told his family he had decided to report, because all might otherwise be killed if he were found hiding. He walked out of his house across his yard to the gate, where two Vietcong quickly spotted him, held him and bound his arms.

#### FATHER AND DAUGHTER

They began to tug on him to go, and he resisted. They shot him down in the lane outside his house. His wife and daughter fled, but afterward his daughter's body was found in the house, possibly the victim of a rocket which hit the structure and caused much damage. Today father and daughter are buried in separate circular graves inside the front gate in the yard of the house.

An old man who protested the arrest of his daughter was trussed up and marched off, and his son-in-law, who protested threats against the family, was also bound up. When the Vietcong soldiers began to slap the son-in-law, the old man declared, "If that's the kind of revolution you proclaim, nobody wants it." The soldiers shot both father and son-in-law on the spot, but let the daughter free.

Stephen Miller, an American civilian in information and propaganda work, was found hiding in the closet of a house where he had taken refuge across the Perfume River from Giahoi. He was taken into a field behind a nearby Catholic school and brutally killed.

Three West German doctors who were professors at the Hue University Medical School under a technical assistance program and the wife of one of them were marched away in the first hours of the Tet offensive and found in a shallow grave in a potato field south of the city two months later. The only known explanation for their deaths is a captured Vietcong order that all Americans, West Germans and Filipinos were to be detained.

Bodies have been found in the city and in the countryside, some well preserved and some utterly unidentifiable. One group of 250 skulls and many bones was found with the aid of Vietcong defectors in a stream bed so deep in the jungle that a landing zone for the helicopters had to be blasted out with explosives.

#### THE STRAWBERRY PATCH

Perhaps the most poignant mass grave sites in the Giahoi area are near the big fruit tree in the high school playground, where 23 permanent burial circles and 19 small grassy mounds mark the locations of the dead, and in the rich earth of the Giahoe Community Cemetery at the Strawberry Patch where the bodies of civil servants, businessmen and community leaders were found in hastily dug mass graves amid the permanent burial circles. Four Vietcong soldiers killed in battle are also buried in the community cemetery, but people have deliberately strewn garbage and trash atop the unmarked mounds where they lie.

Near the end of our stay in Hue, we called on Trinh Cong Son, a slender young man who is perhaps South Vietnam's most celebrated song writer of the present day and a hero to the youth of the country. Son is a native of Hue and was there during the Tet fighting and afterwards, when bodies from the battle were being buried and bodies from the Vietcong executions were being unearthed.

We asked him what he had seen and heard, and he wrote for us in Vietnamese in his own hand a ballad he had written in March of last year to express his feelings. Translated into English, it read:

"When I went up a high hill of an afternoon  
I sang on top of corpses  
I saw, I saw, I saw beside a garden hedge  
corpses  
A mother hugging her child's corpse.  
Mothers clap for joy over your children's  
corpses  
Mothers clap in cheer for peace  
Everyone clap to add another beat  
Everyone clap to welcome hardship  
When I went to the Strawberry Patch  
I sang on top corpses.  
I saw, I saw, I saw on the road  
An old father hugging the corpse of his  
frost-cold child  
When I went to the Strawberry Patch of  
an afternoon  
I saw, I saw, I saw holes and trenches  
Full of corpses of my brothers and sisters.  
Mothers clap for joy over war  
Sisters clap in cheer for peace  
Everyone clap for more vengeance  
Everyone clap instead of repenting."

[From the Washington (D.C.) Post,  
Dec. 7, 1969]

#### HUE SLAYINGS SEEN PATTERN IF FOE WINS

HONG KONG, December 6.—The massacre in Hue during the 24 days Communist troops occupied the city in February, 1968, was a three-phase operation, according to a U.S. authority on the Vietcong.

Douglas Pike, a Foreign Service officer whose book, "Vietcong," is generally regarded as the definite text on the guerrillas' organization, spent a week in Hue last month researching the mass slayings and concluded that as many as 5,800 Hue citizens may have been executed.

Pike, now stationed with the U.S. Information Service in Tokyo, is preparing a report on his findings. During a visit here, he said the massacre in Vietnam's old imperial capital "was quite impersonal."

#### AGAINST GROUPS

"It was not a blacklist of individuals but a blacklist of titles and positions in the old society," he said. "It was directed not against people, but against 'social units'—religious organizations, political parties and social movements like women's and youth associations."

Pike said that Phase I of the Communist campaigns against Hue's civilians occurred during the first few days of the occupation, when the Vietcong did not expect to stay but wished to make an example and "break the enemy's administrative structure."

"Civilian cadres," Pike said, "accompanied by firing squads executed key individuals to weaken governmental administration following communist withdrawal. This was the blacklist period, the time of the drum-head court."

"Cadres with clipboards bearing lists of names and addresses summoned various 'enemies of the revolution' to kangaroo courts. Public trials usually lasted about 10 minutes, and there were no known not-guilty verdicts. Punishment, invariably execution, was meted out immediately."

#### RECONSTRUCTION

Phase II was the period of social order, it was . . . occurred during the few days the Communist cadres believed they were permanently in Hue.

In order to "build a new social order, it was necessary to purge the old order." The "social negatives" were eliminated. Anyone who might stand in the way of the Communists' consolidating their hold and imposing their own rules was killed.

Phase III, however, was the worst. During the last week of their stay, the Communists knew they would be forced to withdraw. They were determined to leave no witnesses who might testify against them or identify

the 150 clandestine Communist cadres who had "surfaced" to rule Hue.

"Most victims were killed in batches during this period. At the sand dune grave they were tied together in groups of 10 and cut down with submachine guns."

By Pike's count, 5,800 of Hue's civilians are dead or missing, while 1,800 were hospitalized. Of approximately 75,000 persons in the city during the Communists' rule, 7,600 became casualties. Allowing wide latitude for casualties in the battle for the city, at least 5 per cent and possibly closer to 10 per cent of the population were deliberately slain, he estimates.

He believes the Hue massacres were different from other Vietcong terrorism, "not only in degree but in kind." It was not the quick terror used to build Vietcong morale or to frighten the populace but the slow, intensifying terror intended to create the basis of a new government.

To Pike the lesson of Hue is clear: "If the Communists win decisively, all foreigners would be expelled from the South, particularly hundreds of newsmen. A curtain of ignorance would descend. Then the night of long knives would begin."

#### HANOI ADMITS HUE MASSACRES

Hanoi Radio in Vietnamese to South Vietnam—April 27, 1969; 1:00 GMT:

"According to LPA, in order to cover up their cruel acts, the puppet administration in Hue recently played the farce of setting up a so-called committee for the search for burial of the hooligan lackeys who had owed blood debts to the Tri-Thien-Hue compatriots and who were annihilated by the southern armed forces and people in early Mau Than spring.

The local puppet administration sent its lackeys to carry out searching activities in city wards and to force compatriots to pay for ritual presents. The compatriots in the Dong Ba city ward, especially the small merchants, were forced to collect the greatest sum of money. Profoundly indignant, the Hue compatriots cursed and violently opposed the puppet administration agents. Faced with this, on 19, 20, and 21 April, the Hue puppet administration was forced to broadcast a communique, denying this act by its lackeys and cast the blame on others for pocketing money in the name of the abovementioned committee. Well aware of the Thieu-Ky-Huong clique's cheating and crafty tricks, the Hue compatriots told one another to resolutely boycott its searching and memorial-service farce."

#### THE COMMUNIST DICTATORSHIP IN NORTH VIETNAM

(The November 1967 Decree on Counter-revolutionary Crimes—Editorial. Text of official NHAN DAN editorial of March 21, 1968 on "Defend Order and Security and Punish the Counter-revolutionary Elements." Broadcast by Hanoi Radio on March 21, 1968 at 11:15 GMT).

[Text] On 30 October 1967, the National Assembly Standing Committee passed a decree punishing counterrevolutionary crimes. On 10 November 1967 President Ho signed an order promulgating this decree.

At a time when feats of arms scored by both zones of our country resound everywhere, the promulgation of the decree punishing counterrevolutionary crimes proves the determination of our people to continue socialist construction in the north, defend the common basic ground of revolution over the entire country, struggle against the U.S. war of destruction, consolidate the great rear, support wholeheartedly southern compatriots to defeat the U.S. aggressors and their lackeys, and march forward to peacefully reunify the homeland.



Our people's democratic dictatorship is fulfilling the historic role of proletarian dictatorship. Our state is unceasingly extending democracy for people and intensifying dictatorship vis-a-vis the people's enemy, vis-a-vis the counterrevolutionary elements. *Maintaining firm control and correctly carrying out the two aspects of democracy and dictatorship*, we have led our people's revolutionary cause from victory to victory. Along with the repeated great victories by the armed forces and people in the south and socialist north, our armed forces and people have defeated and are defeating the U.S. imperialists' war of destruction. They have maintained security and order, unceasingly developed the economy and culture, consolidated and strengthened the defense force, and endeavored to satisfy to the greatest extent all the demands of the front.

Along with transforming the national economy along socialist lines and constructing socialism, *our northern society has increased unanimity in the political and intellectual fields day by day*. Now in the south of our country, the U.S. aggressors are sinking more and more deeply into a passive and defensive strategic position. They cannot avoid complete defeat. But they are stubborn and have refused to give up their aggressive designs.

Along with the intensification of aggressive war against the south, ceaselessly bombing and strafing the north of our country, during these last few years the U.S. imperialists drastically threw spies and commandos in the north to wage psychological warfare and incite the counterrevolutionary elements to oppose the people's democratic authority, the socialist revolution, and the anti-U.S. cause for national salvation.

The counterrevolutionaries in the north comprise the stubborn elements in the former exploiting classes, landlords and capitalists, the reactionary elements profiting by religion, the former puppet administration, army elements not wanting to transform themselves, and the other reactionary and sabotaging elements. Instigated by imperialists, mainly U.S. ones, they plot to intensify activity attempting to obstruct the socialist construction work, weaken our national defense force, and prevent the northern people's support for the liberation war waged by southern compatriots.

The counterrevolutionaries in the north of our country are only a small force. But their scheme is too perfidious and their activity is quite dangerous. Our people need to heighten vigilance to resolutely crush the counterrevolutionary attempts and acts and punish the criminals severely.

The decree on punishing the counterrevolutionary crimes is the sharp tool strengthening socialist legislation and strengthening dictatorship vis-a-vis the enemy of our people and our nation. In light of experience, this decree has systematized and perfected the past regulations about repressing counterrevolutionaries in the Democratic Republic of Vietnam and is aimed at satisfying the requirements of the current revolutionary tasks. It demonstrates the line and policy of quenching the counterrevolutionaries of our country in the present phase.

The decree points out the counterrevolutionary crimes, the target, the form, and the dangerous degree of each criminal, and the opposing and sabotaging maneuvers of counterrevolutionaries. It is a firm legal basis which our people and state organs will rely on to closely follow, stop in time, unmask, and punish their criminal attempts and actions.

The decree clearly stipulates: Counterrevolutionary crimes are crimes against the fatherland and the people's democratic government, and undermine socialist transformation and socialist construction, the national defense, the anti-U.S. struggle for national salvation, protection of the north, liberation of the south, and reunification of

the fatherland. The objectives the reactionaries have been struggling against are the noblest revolutionary achievements and the most sacred aspirations of our people.

Our people's struggle against the reactionaries is a long-range and fierce national and class struggle. Our government is determined to punish the reactionaries. The principles have been set forth. Both guilty plot and guilty act will be punished. But, our state's policy is constantly the policy of (?reprieve) combined with clemency and punishment associated with reformatory education. We will not set free any criminals or misjudge the innocent. The decree aims at punishing those who consciously act against the revolution. Those culprits who do not act against the revolution will be considered general offenders and will not be subject to this decree. The reactionaries subject to severe punishment will be plotters, ringleaders, the enemies of the revolution, and the stubborn who act against the revolution. Those who are forced to act or are misled and those who show repentance will be given clemency. Those who act in a way to make up for their wrongdoings will have their punishment reduced or canceled.

To repress counterrevolutionary elements is the responsibility of state organs and all citizens. It does not mean only government agencies are responsible for the implementation of the decree against the counterrevolutionary elements, but *all citizens are bound to actively take part in it to denounce counterrevolutionary elements, to provide dictatorial organs with evidence and documents, to supervise punishment, and to educate and reform counterrevolutionary elements*. Correct implementation of the decree against counterrevolutionaries requires from our people *a collective mastership spirit and adequate consciousness for self-protection and protection of the regime*.

Our government has issued many decisions and directives to guard against security leaks and enemy penetration, to protect various agencies, to insure construction, to protect materials, warehouses, and other government and people's property. Our people are responsible for strict implementation of this decree and those directives and decisions to actively protect their fatherland and the regime, consolidate the people's democratic government, and avoid any shortcomings of which the enemy can take advantage to carry out sabotage. To develop the effects of the decree, we should exert it right in the campaign for strengthening the protection of order and security.

In conducting this campaign, our people should heighten their vigilance and determination to fight against the enemy, *to hit him strongly and in the right place, to destroy all counterrevolutionary plots and acts, and to seize and appropriately punish the criminals. To defend order and security and prevent and oppose counterrevolutionary acts must become the regular work of every state organ and of every citizen* in any part of the DRV, especially in those areas of an important character in politics, national defense, and economy.

Encouraged and proud over the repeated victories by our armed forces and people in both parts of our country and endowed with a revolutionary fighting spirit, our people are urged to foster even more their collective mastership spirit, to implement correctly and properly the decree against counterrevolutionary elements. We are determined to deal deadly blows at the counterrevolutionary elements, who are the lackeys of the imperialists and the reactionaries in the world, to insure security to the highest level for our vast year base, to contribute to defeating the U.S. aggressors, to contribute to complete socialist reform and to build socialism in the north, and to achieve a peaceful, unified, independent, democratic, prosperous, and strong Vietnam.

#### THE COMMUNIST DICTATORSHIP IN NORTH VIETNAM

(Report by Truong Chinh, no. 3 man in the Politburo of the Lao Dong (Communist Party of North Vietnam—Broadcast by Hanoi Radio September 18, 1969.)

Concerning dictatorship, it has been made clear that the dictatorship of the laboring people's majority will be realized, as opposed to counterrevolutionaries and exploiters who are in the minority and who refuse to convert themselves. Establishment of dictatorship aims toward the gradual abolition of classes, realization of a classless society—that is, communism—and self-destruction of the bourgeois dictatorial state. Under the socialist democratic regime, enemies of the people and of socialism are not allowed to enjoy democratic rights.

The proletarian dictatorial state determinedly prevents the use of slogans of democratization of the regime in order to weaken or abolish the proletarian dictatorship, be little or deny the revolutionary leadership of the working class and of the Communist Party, or achieve step-by-step the "peace evolution" strategy and push the country to proceed gradually toward a liberal bourgeois system and eventually return to capitalism. At the same time, it is imperative to struggle against all manifestations of the national bourgeoisie, the enemy of proletarian internationalism which isolates and pushes the country into the arms of world capitalism.

On the other hand, it is necessary to struggle against officialdom and commandism, the system of family organization under one head of the family, and a personal cult, because they, too, are against the spirit of socialist democracy and cause serious consequences to the state. More often than not, they are used by the reactionaries as a weapon against the revolution. Our party has asserted that our people's democratic dictatorship does not mean the end of the class struggle, but continuation of the class struggle under a new form with new measures when the working class has assumed power.

To carry out this struggle, the working class must continuously strengthen its leadership on the basis of the worker-peasant alliance, the highest principle of proletarian dictatorship. At the same time, the working class must unite with other classes. Therefore, our people's democratic dictatorship must rely mainly on the worker-peasant alliance and, simultaneously, on the national unified front.

It is absolutely necessary for the people's democratic dictatorship to use violence against counterrevolutionaries and exploiters who refuse to submit to reform. Therefore, we must pay continuous attention to consolidating the repressive apparatus of the people's democratic state, the people's army, the people's police, the people's control institute, the people's tribunal, and so forth. At the same time, we must continuously take care to develop democracy for the people, to insure the people's right to collective ownership, to build and ceaselessly strengthen and improve the socialist (law system) and to see that civilian organs fulfill their role as the highest powerful organs of the state at all levels.

#### THE COMMUNIST DICTATORSHIP IN NORTH VIETNAM

*The November 1967 Decree on Counterrevolutionary Crimes—Text*

Text Broadcast by Radio Hanoi on March 21, 1968 at 4:15 EMT

[Text] Recently, the National Assembly Standing Committee Secretariat held a press conference to make public a decree on the punishment of counterrevolutionary crimes. Newspaper, news agency, and Voice of Vietnam correspondents were present. On behalf of the National Assembly Standing Committee Secretariat, Comrade Truong Tan Phat read President Ho's promulgation and the

decree on the punishment of counterrevolutionary crimes. Chairman of the National Assembly Standing Committee Comrade Truong Chinh discussed the meaning and importance of the decree, emphasizing some of its points. He then talked with the newsmen.

Following is the promulgation of the DRV President:

Considering Article 63 of the DRV Constitution and the resolution of the DRV National Assembly Standing Committee, a decree is hereby promulgated on the punishment of counterrevolutionary crimes.

DRV President Ho Chi Minh, 10 November 1967.

Following is the decree on the punishment of counterrevolutionary crimes:

Considering Article 7 on the DRV Constitution, in order to strengthen the people's democratic dictatorship, protect the fatherland, the people, and the people's democratic state, insure the complete victory of the socialist revolutionary cause and of the anti-U.S. national salvation resistance to protect the north, liberate the south, peacefully achieve national reunification, heighten the people's revolutionary enlightenment, and mobilize all the people to actively participate in maintaining security and order, the present decree defines counterrevolutionary crimes and stipulates punishment for counterrevolutionary criminals.

Chapter 1—Counterrevolutionary crimes and the principle governing the punishment of counterrevolutionary crimes:

Article 1—Counterrevolutionary crimes are opposition to the fatherland and the people's democratic power, sabotage of socialist transformation and construction, undermining national defense and the struggle against U.S. aggression for national salvation, aimed at defending the north, liberating the south, and reunifying the country.

Article 2—Both attempted crimes and actual crimes are punishable. The guiding principles on the punishment of counterrevolutionaries will be to severely punish the main plotters, leaders, principal culprits, and those who stubbornly oppose the revolution; to be lenient toward those who are forced, enticed, or misled and those who sincerely repent; to reduce or exempt punishment for those who show redemption.

Chapter 2—Crimes and punishments:

Article 3—Treason to the fatherland: Any citizen of the Democratic Republic of Vietnam who collaborates with a foreign country to harm the national independence and sovereignty, unification, and territorial integrity of the fatherland and the socialist regime will be imprisoned 20 years to life or executed.

Article 4—Plotting to overthrow the people's democratic power: Those who set up or participate in counterrevolutionary organizations to overthrow the people's democratic power and to destroy the political, economic, and social systems stipulated in the DRV Constitution will be liable to the following punishment:

a—The plotters, leaders, instigators, and principal accomplices will be imprisoned from 15 years to life or executed.

b—Other accomplices will be imprisoned from 5 to 15 years. Under extenuating circumstances, the culprits will be imprisoned from 3 to 12 years.

Article 5—Espionage: Those who commit the following crimes:

Supplying, transmitting, stealing, collecting, and retaining state and military secrets for future supply and transmission to the imperialists and their lackeys or to foreign intelligence services; receiving instructions from foreign countries, recruiting agents to gather intelligence or engaging in other counterrevolutionary activities; sending signals to direct enemy air raids; or receiving instructions from foreign countries, collecting and supplying information and docu-

ments which are not state secrets, but which can help foreign countries harm the interests of the Democratic Republic of Vietnam, will be liable to the following punishments:

a—The leaders, the commanders, the main accomplices, the fifth-column members, and those who have caused great damage will be sentenced to imprisonment ranging from 12 years to life imprisonment or to capital punishment;

b—The spies who do not belong to the above-mentioned groups will be sentenced to imprisonment ranging from 5 to 12 years.

Article 6—Violating security and territory: Those who intrude into the territory and undermine the security of the Democratic Republic of Vietnam will be punished as follows:

a—The leaders, commanders, and those who have committed serious crimes will be sentenced to imprisonment ranging from 12 years to life imprisonment or to capital punishment;

b—Their accomplices will be sentenced to imprisonment ranging from 5 to 12 years;

c—Those who provide the above-mentioned groups with supplies, guides, and assistance will be sentenced to imprisonment ranging from 2 to 10 years.

Article 7—Armed rebellion: Those who engage in armed rebellion to oppose or undermine the people's democratic power and the people's armed forces will be punished as follows:

a—The main plotters, leaders, commanders, main accomplices, and those who have caused great damage will be sentenced to imprisonment ranging from 12 years to life imprisonment or to capital punishment;

b—Their accomplices will be sentenced to imprisonment ranging from 3 to 12 years.

Article 8—Banditry: Those who for counterrevolutionary purposes engage in armed activities in mountainous or coastal areas; kill cadres, civil servants, militarymen, policemen, or the people; pillage and burn the properties of the state and people, and disturb security and order will be punished as follows:

a—The leaders, commanders, and those who have committed grave crimes will be sentenced to imprisonment ranging from 10 years to life imprisonment or to capital punishment;

b—Their accomplices will be sentenced to imprisonment ranging from 2 to 10 years.

Article 9—Defecting to the enemy or fleeing to foreign countries for counterrevolutionary purposes:

a—Those who defect to the enemy or flee to foreign countries for counterrevolutionary purposes will be sentenced to imprisonment ranging from 3 to 12 years;

b—Those who for counterrevolutionary purposes force, entice, or help others defect to the enemy or flee to foreign countries will be sentenced to imprisonment running from 5 to 15 years. Under certain circumstances, the culprits will be sentenced to life imprisonment or capital punishment.

Article 10—Murder, assault, injuring, kidnapping, or threatening to kill people for counterrevolutionary purposes:

a—Those who, for counterrevolutionary purposes, kill cadres, state personnel, militarymen, policemen, or other people will be imprisoned from 15 years to life or executed;

b—Those who, for counterrevolutionary purposes, beat, injure, or kidnap cadres, state personnel, militarymen, policemen, or other people will be imprisoned from 3 to 15 years;

c—Those who, for counterrevolutionary purposes, threaten to kill cadres, state personnel, militarymen, or policemen while they are fulfilling their duties will be imprisoned from 2 to 10 years.

Article 11—Sabotage: Those who, for counterrevolutionary purposes, commit the following crimes:

a—Destroying the organs of the government, of political parties, and of people's

organizations in the Vietnam Fatherland Front, the barracks of the people's armed forces, and the national defense installations;

b—Destroying dikes, dams, bridges, roads, means of communication, transport, information, and liaison, factories, warehouses, cultural works, or other property of the state, cooperatives, of the people;

c—Stealing weapons, explosives, machines, raw materials, fuel, or other state property;

d—Using poisons, disseminating insects and worms, spraying chemical poisons, or using other means to harm human beings, cattle, crops, or trees;

e—Undermining the socialist monetary system and trade;

f—Intentionally performing their tasks badly or refusing to carry them out in order to sabotage production, interrupt or hinder the activities of state organs, people's organizations, or economic, military, scientific, cultural, and social organizations;

g—Urging, enticing, or inciting others to undermine labor and military discipline and the fighting spirit of the people's armed forces and the people will be imprisoned from 10 years to life or executed. Under extenuating circumstances, the culprits will be imprisoned from 5 to 10 years.

Article 12—Undermining the people's solidarity bloc: Those who, for counterrevolutionary purposes, propagandize for, organize, or engage in other activities aimed at:

a—Undermining the people's solidarity and unity bloc, creating feuds and discord among the people and the people's armed forces, sowing discord within the Vietnam Fatherland Front, between the people and the government, between the people's armed forces and state organs;

b—Undermining the nationalities policy and creating enmity and disputes among the fraternal nationalities living together on Vietnamese territory;

c—Undermining religious policy, sowing discord among religions, between the religious and nonreligious, and between religious people and the government; using religion to encroach upon religious people's democratic freedoms and prevent them from fulfilling their citizens' duties or joining the people's organizations, cooperatives, or military, economic, cultural, and social organizations will be imprisoned from 5 to 15 years.

Article 13—Opposing or sabotaging the carrying out of state policies and laws:

a—Those who, for counterrevolutionary purposes, oppose, sabotage, or hinder the carrying out of state policies, laws, and plans will be imprisoned from 2 to 10 years;

b—Those who, for counterrevolutionary purposes, force, entice, or encourage others to oppose, sabotage, or hinder the carrying out of state policies, laws, or plans will be imprisoned from 5 to 15 years;

c—Those who oppose, sabotage, or hinder the execution of national defense plans or create serious obstacles to the carrying out of state policies, laws, or plans will be imprisoned for life or executed.

Article 14—Disrupting public order and security:

a—Those who, for counterrevolutionary purposes, agitate, attract, and assemble groups to disturb public security and order or obstruct state cadres and personnel, troops, and security agents in the performance of their duties are liable to prison terms ranging from 5 to 12 years;

b—Those who, for counterrevolutionary purposes, participate in disrupting public security and order are liable to prison terms ranging from 2 to 5 years;

Article 15—Disseminating counterrevolutionary propaganda:

a—Those who, for counterrevolutionary purposes, disseminate propaganda opposing the people's democratic administration and distorting the socialist regime;

b—Those who, for counterrevolutionary



purposes, disseminate the enemy's psychological warfare themes, distort the anti-U.S. resistance for national salvation and for national independence and national reunification, and spread rumors thereby, causing confusion among the people;

c—Those who, for counterrevolutionary purposes, disseminate propaganda favoring imperialist enslavement policy and debauched culture; and

d—Those who, for counterrevolutionary purposes, write, print, circulate, or conceal publications, [words indistinct] pictures, or any other materials having counterrevolutionary contents and purposes are liable to prison terms ranging from 2 to 12 years.

Article 16—Attacking detention camps, freeing convicts, and organizing escapes from detention camps and prisons: Those who, for counterrevolutionary purposes, attack detention camps, free convicts, and organize escapes from detention camps and prisons are liable to the following penalties:

a—Those who mastermind, lead, and command such actions, those who play active roles, those who cause major losses, and those detained for a serious crime and liable to prison terms ranging from 12 years to life or execution.

b—Those who participate in the above acts are liable to prison terms ranging from 3 to 12 years.

Article 17—Harboring counterrevolutionary elements: Those who knowingly harbor, conceal, provide supplies for, and help the counterrevolutionary elements to hide themselves, to conceal material evidence, or destroy the proof of their crime are liable to prison terms ranging from 2 to 10 years.

Chapter 3—General provisions:

Article 18—[Words indistinct] punishment: In addition to the punishment set forth in the provisions contained herein, those who commit the counterrevolutionary crimes listed in section two will also be punished as follows:

a—Those who commit any of the crimes listed from Article 3 to Article 16 will be deprived of the following civil rights for 2 to 5 years: The right to vote and to run for election; the right to work in state organizations and in the people's armed forces organizations; and the right to hold a responsible position in political, economic, cultural, and social organizations.

b—Part or all the property of those who commit one of the crimes listed from Article 3 to Article 16 may be confiscated.

c—Those who commit any of the crimes listed in Chapter 2 may be subjected to control, restricted residence, or prohibited from residing in a number of localities for 1 to 5 years.

Article 19—Cases which involve severe punishment: Those who commit counterrevolutionary crimes which are listed in Chapter 2 and which are committed in the following cases will be severely punished.

a—Those who cause direct damage to the anti-U.S. national salvation resistance and to the national defense task.

b—Those who take advantage of the war-torn situation or of the conditions existing in the localities subjected to hostilities, natural calamities, or other difficulties, to commit their counterrevolutionary crimes.

c—Those who carry out counterrevolutionary activities in an organized manner.

d—Those who take advantage of their authority to carry out counterrevolutionary activities.

e—Those who adopt extremely wicked tricks and particularly dangerous methods to commit counterrevolutionary crimes.

f—Those whose criminal actions have caused serious consequences.

g—Those who commit new crimes after having previously been convicted of counterrevolutionary actions or having committed crimes against the people.

h—Those who commit crimes as reaction-

ary elements and who have refused to rehabilitate themselves.

Article 20—Cases involving reduction of punishment or exemption from punishment: Those who commit the counterrevolutionary crimes which are listed in Chapter 2 and which involve one or many of the following cases may be entitled to a reduction of punishment or an exemption from punishment.

a—Those who plot crimes but voluntarily refrain from carrying them out.

b—Those who, before their crimes have been discovered, sincerely confess and clearly reveal their own conspiracy and actions and those of their accomplices.

c—Those who deliberately carry out a conspiracy in a complete manner or advise their accomplices to carry out the conspiracy masterminded by the counterrevolutionary leaders in an incomplete manner.

d—Those who have carried out actions which have reduced the detrimental effect of their crimes.

e—Those who commit crimes because they were compelled or deceived and whose actions have not yet caused great damage.

f—Those who, while being detained and prior to trial, sincerely repent their crimes and render meritorious service in order to atone for their crimes.

Article 21—Application of identical principles: The trial of the counterrevolutionary crimes which are not listed in this decree may be conducted in accordance with the provisions concerning similar crimes listed in this decree.

Article 22—Effect of the decree:

a—The counterrevolutionary crimes which were committed prior to the promulgation of this decree and which have not yet been tried will be tried in accordance with this decree.

b—Provisions which run counter to this decree are hereby rescinded. This decree was approved by the National Assembly Standing Committee on 30 October 1967.

[signed]: DRV National Assembly Standing Committee chairman, Truong Chinh.

[From the Washington Post, May 15, 1970]  
VC WOULD LIQUIDATE 3 MILLION IF IT WON,  
U.S. EXPERT CONTENTS

(By Robert G. Kaiser)

SAIGON, May 14.—One of the U.S. government's leading experts on the Vietcong has written a paper predicting that "if the Communist win decisively in South Vietnam, all political opposition, actual or potential, would be systematically eliminated."

The author of the paper is Douglas Pike, who has written two books on the Vietnamese Communists and is now a United States Information Service officer in Tokyo. He wrote "The Viet Cong Strategy of Terror," a 125-page monograph earlier this year. The U.S. mission here plans to release it soon.

Pike's work seems to be a rejoinder to those who have mocked suggestions that the Communists would wipe out thousands of their opponents if they took over South Vietnam. Pike says that if the Communist win the war here decisively ("and the key word is decisively," he writes), the result will be "a night of the long knives" to wipe out all conceivable dissidents—perhaps 3 million persons.

Pike contends the massacre would go on in secret, after all foreigners had been expelled from Vietnam. "The world would call it peace," Pike writes.

He cites a list of 15 categories of citizens who would be murdered, saying such a list of categories is often found in captured documents. Pike notes a statement by Col. Tran Van Duc, one of the highest-ranking Communists ever to defect to the Saigon regime, that "there are 3 million South Vietnamese on the blood debt list."

Pike's predictions are the most dramatic

aspect of his paper. Most of it is devoted to an analysis of the Vietcong's present and past uses of terror. A major section analyzes the 1968 massacres at Hue.

"It would not be worthwhile nor is it the purpose of this monograph to produce a word picture of Vietnamese Communists as fiendish fanatics with blood dripping from their hands," Pike writes. Rather, he says, he wants to describe how the Vietcong use and justify terror as a crucial part of their war strategy.

Current Vietcong doctrine, Pike contends, calls for terror for three purposes: to diminish the allies' forces, to maintain or boost Communist morale, and to scare and disorient the populace. He says the enemy seems to be moving more and more toward a terrorist strategy as part of a new kind of protracted war. (Official government terrorist statistics show a sharp increase in kidnappings, assassinations and other terrorism in recent months.)

In central Vietnam, Pike writes, Vietcong units are given terrorist quotas to fulfill. As an example, he cites intelligence information that special Vietcong squads in parts of two provinces were told to "annihilate" 277 persons during the first half of 1969.

In the most detailed analysis of the killings at Hue yet published, Pike writes that "despite contrary appearances virtually no Communist killing was due to rage, frustration or panic during the Communist withdrawal" from Hue, which the Vietcong held for 24 days in February 1968.

"Such explanations are often heard," Pike continues, "but they fail to hold up under scrutiny. Quite the contrary, to trace back any single killing is to discover that almost without exception it was the result of a decision rational and justifiable in the Communist mind."

According to Pike's analysis of the Hue massacres, the Communists changed their minds twice after seizing the city on Jan. 31. At first, Pike writes—he claims, captured documents show this—the Vietcong expected to hold Hue for just seven days.

During that first phase, Pike says, the Vietcong purposefully executed "key individuals whose elimination would greatly weaken the government's administrative apparatus . . ."

After they held on more than seven days, Pike's theory continues, the Communists decided they would be able to stay in Hue indefinitely. Prisoners, ralliers and intercepted messages at the time confirm this, according to Pike.

In this euphoric mood, he writes, the Communists set out to reconstruct Hue society, eliminating not just specific individuals, but whole categories of citizens whose existence would hinder creation of a new revolutionary society. Perhaps 2,000 of the estimated 5,800 persons killed at Hue were slain during this second phase, Pike suggests.

Eventually, Pike continues, the battle turned against the Communists in Hue and they realized they would have to abandon the city. This realization led to phase three, Pike writes: "elimination of witnesses." The entire underground Vietcong structure in Hue had probably revealed itself by this time, and now had to protect itself by eliminating many who could later turn them in to government authorities, Pike theorizes.

For this reason, citizens taken from their homes merely for political indoctrination had to be killed when the Communists decided to flee Hue, Pike suggests.

#### ESTABLISHMENT OF COMMUNIST DICTATORSHIP IN NORTH VIETNAM 1946-1956

(From: Chester A. Bain, Vietnam, The Roots of Conflict, Prentice Hall, 1967; pp. 145-49.)

#### 6. THE COMMUNIST NORTH

In view of the Viet Minh's military victory over the French, the question has been raised frequently as to why the Communists ac-

cepted the division of the country at Geneva. Certainly there was international pressure on them to do so and also the expectation that the South would fall in two years without fighting. But the Viet Minh were themselves in desperate circumstances. They had been fighting from the jungles and mountains for eight years at an increasingly terrible cost. Also casualties were high among the laborers who swarmed over jungle trails carrying supplies from China. Nearly everyone in the resistance suffered malnutrition, exhaustion, and disease. Having lost only 4 per cent of their Indochinese forces at Dien Bien Phu, the French could have continued the war, possibly with direct American involvement in the fighting. While a pro-Chinese faction led by Truong Chinh might have welcomed Chinese intervention Ho Chi Minh and General Vo Nguyen Giap feared that the Chinese, if invited in, might never leave.

When the Viet Minh returned to Hanoi, they found it more difficult to build than to destroy a government and economy, though the North had nearly all the industry and mineral resources of Vietnam. While it had over half the population, its smaller area included less food-growing terrain than the South. Communication, transportation, and irrigation facilities were badly damaged. The French had removed much of the factory and office equipment and machinery, because the Viet Minh refused to guarantee French investments against confiscation. Communist belligerence also frightened out all but a few French technicians who remained one year to run essential public services. Only by agreeing to pay for it with coal deliveries for 15 years, did the DRV save part of the coal-mining equipment.

#### Rehabilitation and political consolidation

As in other Communist-controlled countries, all aspects of life in the DRV—politics, economics, social engineering, and the strategy of war or peace—serve the interests of the Party's goal of achieving a Communist society. Intermediate objectives are set by a series of development plans. The DRV's First Three Year Plan (1955-57) aimed at rehabilitating agriculture, industry, transportation and communications and preparing for collectivization and industrialization. It was also a period of political consolidation during which the united-front stage of the revolution ended. Following the surfacing of the ICP as the Lao Dong or Workers' Party in 1951, the Party hierarchy paralleled that of the DRV government, with Party organisms directly or indirectly controlling equivalent government bureaus at each level. Some non-Party men were given important-sounding offices but were flanked by Party men.

Even before the Geneva Conference, measures for close physical and thought control had been imposed in Viet Minh areas.<sup>1</sup> Everyone was enrolled in cells, whose members reported on each other and conducted criticism and self-criticism sessions. Children were encouraged to inform on their parents. All above the age of six were organized into a network of overlapping front associations based on age, sex, occupation, and special interests. Trusted Party cadre held the important offices and directed the meetings to serve Party ends, while simulating democratic procedures. To coordinate Party direction of these associations, the Lien Viet (United Front) was merged with the Viet Minh in 1951. It was further broadened into the Fatherland Front in 1955 to add "non-communist" political machinery for the absorption of South Vietnam by the expected 1956 elections. The Front's platform called for a two-stage reunification—a loose confederation with separate legislatures for the North and the South, followed by full integration. Although no reunification elections occurred, the Fatherland Front was maintained as a device for internal population

control and indoctrination and for international propaganda.

Long range plans for purging traditional rural leaders through land reforms and for collectivizing agriculture had been announced in 1950 by Party Secretary General Truong Chinh, who was strongly motivated by Red Chinese experiences in these areas. In March 1953, remnants of the 1946 National Assembly met to rubber-stamp a Population Classification decree. All people, rural and urban alike, were divided into classes and subclasses, ranging from landlords to landless laborers. Elaborate formulas equated money, fish, or other forms of income with fixed quantities of rice. A two-stage "agrarian reform" began with a rent reduction campaign in 1953, which lowered rents and absolved debts, followed by a land reform campaign (1954-56), which confiscated money, property, and land from the more prosperous.<sup>2</sup>

Accompanying both stages was the punishment of "feudalists" for "crimes" against society. To direct the reform, Truong Chinh used Chinese Communist advisers and Vietnamese cadre trained in China. By terror and propaganda, Communist agitators incited the villagers to lodge accusations against their more prosperous neighbors. Although the few truly rich landlords had fled to the South, each village had to fill a quota of "feudalists." Estimates of the number killed range up to 100,000.<sup>3</sup> About half a million were driven from their homes and lands, some to prison or hard labor; others, including women and children, starved because people feared to aid them.

As purge excesses brought local Party factional strife, 12,000 Party members were jailed. Top Party leaders, sharply critical of Truong Chinh's dogmatic and inflexible attitude, tried to stem the purge with a "Mistakes Rectification" campaign that filled Hanoi's newspapers and journals for months with details of the reign of terror. In October 1956, Vo Nguyen Giap discussed the Party's errors in a remarkably frank speech before the Lao Dong Party Central Committee:

"We . . . executed too many honest people . . . and, seeing enemies everywhere, resorted to terror which became far too widespread. . . . While carrying out our land reform program, we failed to respect the principles of freedom of faith and worship . . . in regions inhabited by minority tribes we have attacked tribal chiefs too strongly, thus injuring instead of respecting local customs and manners. . . . When reorganizing the Party we paid too much importance to the notion of social class instead of adhering . . . to political qualifications alone. Instead of recognizing education to be the first essential, we resorted exclusively to organizational measures such as disciplinary punishments, expulsion from the Party, executions, dissolutions of Party branches and cells. Worse still, torture came to be regarded as a normal practice during party reorganization."<sup>4</sup>

Though the purge gradually spent itself, the peasants remained alienated. In November, villagers openly revolted in heavily Catholic Nghe An, Ho's home province. This uprising and other lesser disturbances were brutally suppressed by regular army units. According to DRV reports, the land reform transferred some 2.25 million acres of land, 115,000 farm animals, 1,846,000 farm implements, and 71,000 tons of foodstuffs to 2.1 million peasant families with about 8.3 million members. This amounted to about 1/70 of an animal, 1/5 of a farm implement, 19 pounds of food and 1/5 acre of land per person. Half of the land distributed had been commonly owned and helped pay for village government, communal rites, and charities. Land redistribution brought a sharp drop in food production, partly because the people were demoralized and partly because land was taken from the most experienced culti-

vators and given to the poorest peasants, who were not always skilled farmers. The rebellions and purge excesses caused Truong Chinh's removal as Party chief, although Chinese support kept him in the Party Central Committee. Assuming Truong Chinh's position (renamed First Secretary), Ho Chi Minh managed to hold the Party together. One basic goal of the reform was achieved, however—the destruction of the traditional rural elite.

The elimination of troublesome intellectuals followed. At partition, the Communists, who needed all available skills, convinced many intellectuals not to migrate by bestowing liberal rewards and decorations and government employment. In this permissive climate, intellectuals contributed to the criticisms of the Mistakes Rectification campaign. Their criticism first focused on the Party's virtual military dictatorship that left little room for intellectual leadership. Later attacks were broadened, stimulated by the Hungarian uprising and by China's Hundred Flowers campaign. Several intellectual journals flourished briefly all critical of the Lao Dong party and the government.<sup>5</sup>

With both countryside and city aligned against them, the Lao Dong party leaders moved cautiously to regain command. Critical journals were closed by indirect means, such as strikes of their workers and stoppages of paper supplies. In December 1956, a presidential decree strengthened government controls over the press. Intellectuals were organized into a union with permission to publish its own journal under Party guidance. Through the mass associations, Party agitators incited a wave of anti-intellectualism. Critical intellectuals were forced to make humiliating public apologies. Millions of signatures were collected demanding their punishment as "enemy agents," and leading intellectuals were arrested as agents of Diem. Some died in prison; others were "re-educated" by labor in mines or factories after indoctrination courses designed to teach a "proletarian viewpoint." The purge of the intellectuals and the indoctrination movement spread to teachers and students and finally to the Party itself, extending over several years.

The dislocations caused by the reform and purges prevented realization of the first plan's economic goals.<sup>6</sup> However, the first steps toward socialization of agriculture were taken. Concurrently, city merchants were impoverished by confiscatory capital taxes ranging up to 50 per cent on merchandise stocks. Even street vendors were victimized. Without the usual commercial imports and with local production disrupted, stores emptied of nearly everything. Famine was averted only by rice rationing and by emergency food imports. Burma supplied rice under a three-way agreement with the USSR, and China provided food and clothing. Technical aid and capital equipment for rehabilitation were provided by all Communist-bloc countries, either as cash grants or loans, with China contributing over half of the total. Such aid helped restore rail links with China and put back into limited production the Hon Gay coal mines, Haiphong cement works, Nam Dinh textile mills, and a few other plants. Otherwise progress toward reconstruction was slow.

#### FOOTNOTES

<sup>1</sup> Hoang Van Chi, a former Viet Minh, vividly describes these techniques in *From Colonialism to Communism* (New York, 1964).

<sup>2</sup> See Hoang Van Chi, *op. cit.*, for details and Allen B. Cole, ed., *Conflict in Indo-China and International Repercussions: A Documentary History, 1945-1955* (Ithaca, N.Y., 1956) for the texts of the decrees, pp. 139-147, 150-56.

<sup>3</sup> Gérard Tongas, a leftist professor teaching in Hanoi, estimated 100,000 in his *J'ai vécu dans l'enfer communiste du Nord Viêt-*



*Nam et j'ai choisi la liberté* (Paris, 1960), p. 222.

\* *Nham Dan* (Lao Dong party newspaper), October 31, 1956.

\* Hoang Van Chi quotes articles from these journals in his *The New Class in North Vietnam* (Saigon, 1958).

\* See William Kaye, "A Bowl of Rice Divided: The Economy of North Vietnam," in P. J. Honey, ed., *North Vietnam Today, Profile of a Communist Satellite* (New York, 1962), pp. 104-16.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. ALLOTT. I yield.

Mr. GOLDWATER. Mr. President, I congratulate the Senator from Colorado on an excellent speech on a subject on which someone should have spoken long ago. I am very glad that he selected that subject to focus our attention on the continuing inaccuracies of one of the Nation's large newspapers.

I am particularly impressed, Mr. President, by one statement in the Senator's speech:

Mr. President, I support Mr. Smith's opinion.

Referring to Howard K. Smith's timely remarks on television—

I would only suggest that he is wrong in thinking that the *Times* was trying to accurately gauge the temper of the American people. The *Times* was ignoring the evidence in order to promote its political point of view. That is not good journalism but, as I said, the *Times* is no longer practicing journalism. It has become the house organ of a political persuasion.

Mr. President, I should like to ask the Senator from Colorado if there is anything particularly new about this position.

Mr. ALLOTT. There is nothing new about this position. There is nothing particularly new about the opinion I have voiced here. I have been convinced for a long time that, as an organization of news and pure journalism, it has long since retired from the field. It is unfortunate that—even in the newspapers of this city—there is not provided equal news space for varying opinions.

I considered the editorial of Mr. Smith particularly pertinent here because it came at a time when the two other main broadcasting systems, CBS and NBC, through their chief commentators, were trying to press the panic button and panic the people. These commentators encouraged the development of a complete national organization to convince the people that they should close this war down right now.

The President has stated what he will do. He has done it in each instance since he was elected to the Presidency. And, frankly, I for one believe what he says.

Mr. GOLDWATER. Mr. President, I might comment further on this subject that, in my opinion, when Mr. Arthur Krock left the *New York Times*, that newspaper lost its last objective, honest reporter.

I can recall the *New York Times'* attitude on Cuba. It was wrong, wrong, wrong. Yet I have never seen anything done to retract its efforts to persuade the American people that Castro was coming

over the mountain as another Simon Bolivar.

Mr. ALLOTT. Does the Senator remember—I am sure he does; I think he took part in it—the very long and extensive study that some six or eight of us on this side of the aisle did, considering alternatives for Cuba, which we presented on the floor of the Senate? And does he also recall that not one word of those lengthy studies and the colloquy that took place on the Senate floor ever appeared in the *New York Times*?

Mr. GOLDWATER. I can remember that very well, because we commented on it at the time. In fact, nothing is ever printed in that newspaper that opposes its political persuasion, either by its columnists or by its newswriters, who are supposed to be objective.

I might comment, Mr. President, on one other point, if the Senator is willing to continue to yield: Does the Senator recall the little-stated fact that when Vietnam became divided after the 1954 Geneva conference, more than 1 million North Vietnamese fled to South Vietnam?

Mr. ALLOTT. That is correct.

Mr. GOLDWATER. This is never mentioned. Why did they leave? They left, I think, for two reasons. One was that they did not want to live under communism; and second, they knew that, with that persuasion, their lives were in danger in North Vietnam.

Mr. ALLOTT. There is no question about that. And I am sure, although I do not remember the exact time, that then and subsequently there were questions by many of us as to whether some of them might have been, actually, cadres for the formation of Vietcong units and the beefing up of the Vietcong infrastructure in South Vietnam. But most of the millions of people surely were not. Most of those people were seeking to flee from what they were sure was bound to occur in North Vietnam.

I think one of the most interesting portions of my speech was the area in which I discussed the people who were tried by so-called people's courts that were set up the way such "courts" function is that you go out and pick up a dozen people off the street and call them a court, and then you get them to sentence your victims to execution, or something else.

One of the significant facts here is that some of the people who were declared to be landlords were declared to be landlords in an area where the amount of land held by the richest of the peasants compared with the amount of land held by the poorest of the peasants was less than a quarter of an acre more. It is a fantastic story, but it is a repetition of the stories we heard all through 1946, 1947, and 1948 about Mao Tse-tung. We were told that he was just a little, simple, agrarian reformer, and that we need never be concerned about this great idealist and wonderful man who was just going in to perform a job of agrarian reform in China.

The pattern of that whole operation is exactly the same pattern which has been carried out in North Vietnam, as I have detailed here this afternoon, espe-

cially, in the grim period between the years 1954 and 1956.

Mr. GOLDWATER. Will the Senator yield further?

Mr. ALLOTT. I am happy to yield.

Mr. GOLDWATER. I repeat my compliments, because I think this is a matter that has to be taken up.

I think Vice President AGNEW did this country a great favor by his criticism of the media. I do not think it can be let up. I do not think it should be thought for one moment that we are attacking freedom of the press. I have often said that the biggest danger to freedom of the press in this country is the press itself—the press which refuses to look at both sides of a question in an objective way.

I maintain that an editor, as the owner of his newspaper, can print anything he wants to on the editorial page. That is his business. But a reporter is supposed to report the news so that the American people can say, "Well, this is the side that Senator So-and-So presented; what did the opposition present?"

You cannot, in most of the Eastern seaboard newspapers, find an objective argument such as we hear every day on this floor between Members of the two parties, or Members of a single party. I would hope that the Senator would feel no compunction in continuing this as we attempt, in the coming weeks and perhaps months, to present our arguments against attempts to stifle the power of the President to make strategic and tactical decisions involving war.

Mr. ALLOTT. I thank the Senator very much. One of the other points involved in these remarks goes beyond the gross inadequacies of the reporting, as in this instance. It involves the serious danger that through the kind of writing the Senator has talked about, of the so-called liberal press, people are actually beginning to think of the North Vietnamese as just normal citizens. People are encouraged to think that the North Vietnamese Communists may have a different form of government, but they are just normal citizens like everybody else. Mr. President, they are vicious murderers and torturers, and there will be a blood bath if we forsake our duty. I have found that certain people, who seem to assume that all this drivel they read about and hear about in the news media is true, think that these Communists are just nice people, nice farmers. These badly informed people do not consider or know about the facts. Therefore, I thought it was necessary to bring these facts to the attention of interested people.

I thank the Senator very much for his intervention. He has been very helpful to me in this matter.

Mr. GOLDWATER. I might point out one other example of why these people are not nice, ordinary, little farmers. We have 1,500 prisoners of war in Vietnam. The North Vietnamese do not have the decency even to allow them to write letters home regularly, or the decency to allow packages to be delivered, or the decency to let us know the names of these prisoners. Yet, the *New York Times* bleeds for the North Vietnamese Government. I sometimes wonder what makes

organs such as that go in this country. What is their purpose?

Mr. ALLOTT. I do not know. I am glad the Senator has brought this matter up. He will recall that the Geneva Convention was entered into because of the great abuses that occurred during the Crimean War and in subsequent conflicts. North Vietnam is a signatory to that convention, South Vietnam is a signatory to that convention, and the United States is a signatory to that convention. Of course, the Vietcong are not signatories, except as they are controlled by the North Vietnamese. But the North Vietnamese have not fulfilled even one of the agreements with respect to prisoners of war as required in that convention.

Mr. GOLDWATER. I invite the Senator's attention to another fact along the same line. The North Vietnamese, the Red Chinese, the Russians, the United States, and other countries signed an agreement in 1962 recognizing and respecting the neutrality of Cambodia and Laos. There were 67,000 North Vietnam troops in Laos at that time, and they are still there. The Red Chinese are building a road across northern Laos. Yet, in our own press we never hear about that. We do not hear the North Vietnamese and the Red Chinese being criticized. We hear the United States being criticized because we are trying to help people have their neutrality.

Mr. ALLOTT. That is entirely correct. I think it might be well for many people in the United States to remember why Prince Sihanouk was in Peking and Moscow at the time his government was turned over by a parliamentary action which, I understand, is legal according to their lights. He was in Peking and Moscow to try to influence those governments to bring influence to bear to pull the North Vietnamese and the Vietcong out of his own country, out of the sanctuary areas which President Nixon finally determined he had to destroy.

I thank the Senator very much for his intervention. He has been very helpful.

Mr. President, I yield the floor.

Mr. BELLMON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CURTIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CURTIS. Mr. President, I ask to be recognized.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. CURTIS. Mr. President, over the past weekend, my attention was called to a matter that concerns the entire U.S. Senate. I assume that this was brought to my attention because I happen to serve on the Committee on Rules and Administration.

Mr. GRIFFIN. Mr. President, will the Senator from Nebraska yield at that point?

Mr. CURTIS. I yield.

Mr. GRIFFIN. Is the subject the Senator is now discussing germane to the

business now before the Senate? I have been asked that, because the Senate is operating under the rule of germaneness. It does relate to the pending business?

Mr. CURTIS. It does relate to the resolution now pending before the Senate.

Mr. GRIFFIN. I thank the Senator. I was sure that it was.

Mr. CURTIS. Mr. President, I refer to the letter signed by one Sam Brown and one David Hawk bearing date of May 11, which was sent under the franking privilege.

According to the newspapers and broadcasts, Sam Brown and David Hawk are connected with one or more of the committees or organizations engaged in antiwar activities. This letter that I refer to reads as follows:

DEAR FRIEND: Citizens across the country are looking for a vehicle and a political focus for an effective citizens' movement against the re-escalation of the war in Vietnam. We believe the responsibility to end the war should now be placed squarely on Congress. Within Congress there is developing a very strong movement to cut off the appropriations that finance the military operations in Southeast Asia. *The Amendment to End the War*, which presently has 16 co-sponsors, could create the maximum pressure to stop the conflict.

To facilitate a nationwide door-to-door canvassing operation, a petition drive in support of the Amendment is now being organized. This effort will take the case against the escalation and prolongation of the war to nearly every doorstep in the country. This signature drive will allow hundreds of thousands of adults to join with the students who are now out of classes protesting the war.

The Petition:

The war in Vietnam has gone on too long. We demand that Congress exercise its constitutional responsibility to end a war that has not been declared. We, the undersigned, support the amendment to end the war which will stop appropriations for the war in Cambodia, Laos, and Vietnam.

This petition, already being circulated in several areas, is meeting with enthusiastic response. In some communities, signers are being asked to contribute 50¢ to finance the petition campaign.

A national citizens committee is now being formed to give this effort visibility and focus.

Enclosed is a copy of the Amendment and a copy of the petition on *The Amendment To End The War*. Reproduce and circulate them freely. Return petitions and funds collected to Petitions: P.O. Box 3237, Columbia Heights Station, Washington, D.C. 20009.

Also, you can begin to organize delegations to visit Congressmen and Senators in Washington and in the home offices until this vote is taken.

In peace,

SAM BROWN,  
DAVE HAWK.

Mr. President, the franking of this letter raises some very serious questions. I would like to point out that the letter suggests a financial contribution. I do not know whether or not this particular communication which was franked would be related by the recipient to other appeals for financial contributions by the same group. This letter that I read states:

Return petitions and funds collected to Petitions: P.O. Box 3237, Columbia Heights Station, Washington, D.C. 20009.

Should the Senate permit the franking privilege to be used to collect funds

for any cause? What is the tax status of the funds so collected? To whom will these contributions belong? I have no idea how many people would respond with the suggested 50 cents contribution or how many would send considerably more than that. It is possible that the money coming in could run into a sizable amount.

In trying to secure some information that would be helpful to my colleagues, I inquired of the office of the postmaster for Washington, D.C., concerning the post office box listed. I asked whom the box had been rented to. I was told that that information could not be given to me. If funds are being solicited by use of the frank, I believe that the Senate should know where the funds are sent, what committee or organization is soliciting them, and who is receiving the funds. I believe this information should be available to the Internal Revenue Service also.

Mr. President, I make no charge. There may be an explanation of this entire transaction. I do believe that the Senate should be informed on all the facts and circumstances in regard to what has been done, and I believe that continued.

Mr. HATFIELD. Mr. President, will the Senator from Nebraska yield?

Mr. CURTIS. I yield.

Mr. HATFIELD. I wish to express my appreciation to the Senator from Nebraska (Mr. CURTIS) for bringing this particular issue to the floor of the Senate, because I believe that my frank was involved in the particular letter to which he refers.

I should like to make the RECORD clear that when a group of Senators organized the amendment to end the war, as it has been called, which is Senate amendment No. 609, the first report of that amendment created a great deal of response from many people and groups around the country who have been concerned about peace and who were looking for a vehicle upon which they could organize for a peaceful and an appropriate response, as citizens, to involve themselves in this matter of peace and war.

There were five Senators—I was one—who signed a letter. A form letter was to be reproduced and sent out in response to a number of the inquiries which individual offices had received concerning what they could do, and what we would suggest to them as being helpful in giving support to the amendment.

As in most cases, when there is such a large response we resorted to the use of volunteer helpers. The purpose was for those individuals to work together on this form letter and stuff it into envelopes, to be sent out to those who had inquired previously on occasion, or even at this particular moment. The letter to which he referred which was signed by David Hawk and Sam Brown then became a letter that was inserted as an enclosure to the official letter which we had signed as five Senators.

The letter inserted was done without my authorization and without my knowledge. The minute I found out about the insertion of this letter which was read by the Senator from Nebraska, I imme-



diately took steps to withdraw the remaining number of envelopes which carried my frank and informed the people who were doing this that it was not authorized and that I disapproved heartily of this action.

It was immediately stopped. I would further report to the Senate that if the Senate Ethics Committee will review this—and I hope that they will review this particular incident in all of its detail—if it should find that it is not in keeping with the authorization of the franking privilege, I would be more than pleased to reimburse the Senate office, whichever office it would be, for the amount of money involved.

With respect to the situation the Senator from Nebraska raises, I join with him and say that I, too, would like to have a clarification of the policy.

I assure the Senator from Nebraska and the Senate that it was not done with my approval or authorization. And I stand ready to make it right if this is a matter of reimbursement, if there has been any violation of any franking privilege.

I have been informed by legal counsel that there is not a violation involved here of the franking privilege as far as the law is concerned. But I am not a lawyer. And I think that there is something more than the letter of the law to be followed. I think that there is also the spirit of the law. But even if there is only the spirit of the law involved, I still want to make the reimbursement if such is deemed appropriate.

Mr. President, I thank the Senator from Nebraska for making this a matter of record. I hope that out of this incident we can get a full clarification of the matter of the franking privilege under the circumstances which the Senator has outlined.

Mr. CURTIS. Mr. President, I thank the Senator for his forthright statement.

The junior Senator from Nebraska is not a member of the Ethics Committee. However, some of these matters do come within the jurisdiction of the Committee on Rules and Administration.

I am aware that the franking privilege law and regulations are rather broad. The purpose of this is so that material directly involved in the public issue under discussion can be inserted.

I directed my remarks not at whose frank was involved nor at the other parts of the communication. I directed my remarks entirely to the communication signed by Sam Brown and David Hawk and primarily to the request for funds.

There are more than 200 million people in the United States. Millions of them are concerned one way or another about all public issues. Millions of them are concerned about the matter now pending before the Senate. If 1 million were to respond with a sum of money averaging 50 cents, someone would have collected \$500,000.

I assume that Sam Brown and Dave Hawk would be the recipients. They asked for it.

I do not think that Brown and Hawk should be in a position of embarrassing the entire Senate of the United States. I think that the entire Senate has a real

stake and a real interest in matters of this kind.

I happened to serve in Congress prior to our entry into World War II. At that time there was great emotion all over the country about the various acts of involvement.

In those days they had an expression: "Aid short of war."

Television was not with us at that time. But radio was in great use.

A distinguished Member of the House of Representatives, motivated by patriotic desires, was somehow involved in an appeal for funds in order to get the information to the people.

The matter received considerable attention in the House of Representatives. I am not sure that the information was all shown in the RECORD. But there was grave concern among the leadership.

I do not want something like that to descend upon the Senate. The RECORD will show that I have singled out no Senator. I have not mentioned any Senator. My remarks were directed primarily at these outsiders and at the raising of funds behind the cloak of secrecy of a post office box which might be compared to a Swiss bank account that is operated by number.

Mr. HATFIELD. Mr. President, I would like to suggest—and, in fact, if I might make this in the form of a request, because the Senator from Nebraska is the ranking Republican member of the Senate Committee on Rules and Administration—that I would appreciate it if he would take this particular case, along with all of the material that I would be happy to provide him which he may not have and with the material that he does have, and present this matter to the Committee on Rules and Administration in order that we might have a clear understanding of the propriety or the impropriety of this act. Perhaps at the same time, the Senate ethics committee might look into it.

This matter of the use of the franking privilege needs to be clarified.

I have received solicitations under the franking privilege of Congress asking people to contribute to a right-to-work drive and to send their contributions to a certain post office box.

I have received communications under the franking privilege on behalf of a new student organization to compete with the NSA—National Student Association—that castigated the organization in strong language and requested that contributions be sent to a certain address.

I am not saying that this is right or wrong, or that the other is right or wrong.

I am simply saying that I think this is perhaps the time and that this is a good vehicle on which to move to get a new clarification or definition of the franking privilege.

I am told by legal counsel that my actions were legally right.

I do not know. But I do know that I do not appreciate the situation in which this has placed my office or the Senate. I do feel, as the Senator from Nebraska has said, that the entire Senate is involved in this particular thing.

I only regret that it was through my frank that it became involved.

Mr. BELLMON. Mr. President, in connection with the question the distinguished Senator from Nebraska has raised, I have in my possession a franked letter that arrived in our office this week. It is on the letterhead of the Columbia Society of International Law. It does not bear the signature of any Member of the Senate.

After this letter arrived we checked into the rules and we find in section 4166 on page 341 of the Senate Manual that—

A person entitled to use a frank may not lend it or permit its use by any committee . . .

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. BELLMON. I yield.

Mr. BYRD of West Virginia. Mr. President, I am most reluctant to bring up the question of the rule of germaneness. I think it might be argued as whether or not the matter which has been brought before the Senate by the able Senator from Nebraska is germane. I think, in its overall sense, there was some degree of germaneness to it. I think he performed a definite service in bringing it before the Senate. I am shocked and greatly disturbed about the use of the frank for the purposes described and by the persons identified, who are not Senators.

However, at the same time, I do not think it was entirely on point with reference to the unfinished business before the Senate. I did not raise the question of germaneness because I thought it would be argued that the Senator's speech was germane.

I am very reluctant to press the point in connection with what the Senator from Oklahoma has to say, but I do think that his remarks are not germane to the unfinished business before the Senate. I am sorry to have to interrupt him.

Mr. CURTIS. Mr. President, I appreciate the position of the acting majority leader.

Mr. President, I ask unanimous consent, notwithstanding any issue of germaneness, that the junior Senator from Nebraska be allowed to continue for an additional 5 minutes in order that I may yield to the Senator from Oklahoma who started to make a statement.

After that I shall yield the floor.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD of West Virginia. Mr. President, I do object because if we are going to make the rule of germaneness work, we cannot agree under a unanimous-consent request that it be set aside.

I am embarrassed that I have to raise this question with the Senator from Oklahoma because he very graciously agreed a while ago to delay his remarks until a time today when the rule will not be operative.

Mr. CURTIS. Mr. President, I would like to be heard on the point of germaneness. I shall not delay the Senate long.

Mr. President, if this is germane to our discussion, then the content of the letter is germane to what is under discussion. If it is not germane, that would

go to the point of whether or not the matter might be franked. I believe any discussion of any facet of the pending resolution must be germane. I do not see how we can narrow the discussion of the pending resolution and exclude certain facts and arguments that have to do with the basic issue involved in the resolution. I regard this appeal of Mr. Sam Brown and David Hawk as part of it.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. CURTIS. I yield.

Mr. BYRD of West Virginia. Mr. President, I have listened very carefully to what the able Senator from Nebraska said about the item that was franked.

The fact that it dealt with the amendment that has been offered by the able Senator from Oregon and other Senators—the so-called amendment to end the war in Vietnam—led me to believe it was to some degree, at least, germane, even if the main thrust of the Senator's statement was not. So I did not object.

But now we have gone into an entirely different subject and I suppose if we allow the Senator from Oklahoma to proceed with the discussion of his matter before the Senate, then I could talk about my being chairman of the Cancer Crusade in West Virginia and whether or not it is ethical for me to frank a letter asking funds for the cancer campaign, all of which, of course, would be utterly nongermane. The line must be drawn at some point.

Mr. President, I have to object.

Mr. CURTIS. Mr. President, the material the Senator from Oklahoma started to read, which he has now handed to the Senator from Nebraska, begins:

The United States invasion of Cambodia is in violation of its commitments. . . .

The letter is from the Columbia Society of International Law, School of Law, Columbia University, New York, N.Y.

I assumed all this resolution and debate concerned what was happening in Cambodia. Is the discussion of an editorial on this matter germane but this document not germane?

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. CURTIS. I yield.

Mr. BYRD of West Virginia. Mr. President, I certainly have no objection to the discussion of any matter that is germane to the unfinished business, but from my listening to the initial remarks by the distinguished Senator from Oklahoma I got the distinct impression the matter was not germane. I have not read the letter being held in the hands of the distinguished Senator from Kansas. If the matter is germane I, of course, have no objection.

Mr. CURTIS. Mr. President, I yield the floor.

#### AMENDMENT NO. 627

Mr. CHURCH. Mr. President, I send to the desk a perfecting amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 9, line 1, strike out "for any purpose" and insert in lieu thereof "for foreign assistance (including foreign military sales)".

On page 9, line 8, after "appropriation" in-

sert "for foreign assistance (including foreign military sales)".

The PRESIDING OFFICER. Does the Senator ask unanimous consent that the amendments be considered en bloc?

Mr. CHURCH. Mr. President, I ask unanimous consent that the amendments be considered en bloc.

Mr. GRIFFIN. Mr. President, reserving the right to object—and I reserve the right to object only to clarify what these amendments are—I wish to ask the Senator whether this is the amendment that the Senator from Florida has been interested in, as well as the Senator from North Dakota.

Mr. CHURCH. The Senator is correct. Regarding the foreign assistance bill and the Foreign Military Sales Act, the amendment provides that appropriations shall not exceed the amount authorized in the future.

Mr. GRIFFIN. This has no relation to the so-called Cooper-Church amendment?

Mr. CHURCH. That is correct. This has nothing whatever to do with the Cooper-Church amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. CHURCH. Mr. President, I promised the distinguished Senator from Alabama I would yield to him, which I gladly do at this time.

#### ORDER OF BUSINESS—OBJECTION TO SUBMISSION OF REPORT OF A COMMITTEE

Mr. SPARKMAN. Mr. President, from the Committee on Banking and Currency, I report favorably with an amendment, the bill S. 3302, to amend the Defense Production Act. I submit a report thereon. I ask unanimous consent that the report be printed together with additional and individual views.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD of West Virginia. Mr. President, I object.

Mr. SPARKMAN. Mr. President, I thought any report was privileged material.

Mr. BYRD of West Virginia. Mr. President, this item falls in the category of morning business and should be handled during the period for the transaction of routine morning business—or later today when the rule of germaneness falls.

I am embarrassed to continue to make these objections.

Mr. SPARKMAN. I will reclaim my papers and come back later.

Mr. CHURCH. Mr. President, for the information of the Senate, when will the germaneness rule expire this afternoon?

Mr. BYRD of West Virginia. Mr. President, I can answer the Senator. It is at 3:32 p.m. today.

Mr. CHURCH. In approximately an hour. I thank the Senator.

Mr. GORE. Mr. President, will the Senator yield?

Mr. CHURCH. I yield.

Mr. GORE. Mr. President, I call to the attention of the Senate certain information which seems to me to illustrate the need for Congress and the country, in-

deed the entire Government, to act so as to preserve the equation between the coordinate branches of the Government, particularly the executive and the legislative.

Although the movement of U.S. troops into Cambodia was not the subject of consultation with Congress, I would like to read a letter addressed to "Dear Fellow Officer," Vice Adm. W. R. Smedberg III, president of the Retired Officers Association. This letter is dated May 13.

Before reading an excerpt from the letter, Mr. President, in order that nothing be taken unfairly out of context, I ask unanimous consent that the entire letter be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GORE. Mr. President, I read a paragraph from this letter:

President Nixon told me, and a few other officers of veterans and patriotic organizations, two days before his talk to the Nation, that the action he was soon to order was imperative if we were to escape the probability of total humiliating defeat in Vietnam. Information from captured enemy documents, prisoner interrogation, aerial reconnaissance and other intelligence sources available to him had convinced him and his military advisors that our position in South Vietnam would soon be untenable, the Vietnamization program destroyed, and a humiliating defeat in Vietnam almost assured unless he ordered immediate and positive action to destroy the forces and massive supplies of arms, ammunition, food and equipment which had been stored in underground shelters in North Vietnamese "sanctuaries" on the Cambodian side of the border along the great length of South Vietnam. These stores were, he said, sufficient to supply several North Vietnamese divisions for six months.

Mr. President, that is the fourth paragraph in the letter. I direct the attention of the Senate to the entire letter, which will be printed hereafter.

Mr. President, if this letter is correct, then the President was imparting this information to nonofficials of the U.S. Government—I do not know how many; this says a few. But it was withheld from the Congress of the United States, insofar as this Senator is aware. In fact, Secretary of State Rogers appeared before the Senate Foreign Relations Committee on April 27. He testified at some length, considerable length, about 3 hours. It is, of course, possible that the Secretary of State was not aware, when he appeared on the 27th and also on April 2, of the planning underway to involve the United States militarily in Cambodia or that the invasion plans were actually then awaiting the President's decision.

If so, this would be an unusual, if not irregular, situation. If not, vital information on this grave issue was withheld from the committee and the Congress in violation of the spirit of the Secretary's assurance of April 2, that he would consult to the fullest extent possible with the committee on any possible military action by the United States in Cambodia.

The Sihanouk government was overthrown on March 18, thereby setting in motion a chain reaction that led to the



opening of a third front in the Indochina war. The Committee on Foreign Relations, as I have said, met with the Secretary of State on April 2 and again on April 27. At both of those meetings, the members were virtually unanimous in urging that the United States not become involved in any way in Cambodia. As I have said, there was no indication whatsoever at the meeting on April 27 that any proposal was being considered in the executive branch other than Cambodia's request for military aid.

The Secretary of State told the committee that the real problem before the Government was on military assistance. There was no intimation, let me repeat, of any kind whatsoever of which I am aware that a decision has been made or that a decision was imminent on plans to invade Cambodia.

We now learn from the letter I have read that the President, according to this letter, was discussing with private citizens what was described as a grave threat some 2 days before his speech to the American people, at which time the Senate, so far as I know, first learned of this move.

We now learn that the planning for action in Cambodia began as soon as Sihanouk was ousted. Secretary Laird related this fact in a background session with reporters on May 14. The Senate Foreign Relations Committee requested a stenographic copy of the conference. I have a stenographic copy of the notes of that meeting, which I ask unanimous consent be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. GORE, Mr. President, I would like now to read a brief excerpt from this background conference, a statement by Secretary Laird as reported by the stenographer for the Department of Defense:

First, when the change of government came about in Cambodia, I requested planning be done at that time on the various courses of action that could be taken. Our government planning was started in the latter part of March, and various proposals were presented to me. I approved certain actions and made certain other recommendations to the National Security Council and the President.

The plan that is currently going forward is a plan submitted by me to the National Security Council and supported by me.

Let me repeat that it may be possible that Secretary Rogers was unaware of such plans, unaware of such decisions pending or decisions taken. On this I am not advised.

If the Secretary of State were unaware, then it is a highly unusual, even irregular performance for a high administration official. If the Secretary were aware of these facts which I have related in part, and which will appear in greater part from the insertion soon to appear in the RECORD, the information was deliberately withheld from the Senate of the United States in violation of the Secretary's commitment to the committee, at an earlier date, to keep the committee fully and frankly informed.

#### EXHIBIT 1

RETIRED OFFICERS ASSOCIATION,  
Washington, D.C., May 13, 1970.

DEAR FELLOW OFFICER: Our Commander-in-Chief, the President of the United States, has made a difficult and courageous decision to attack and destroy North Vietnamese bases and war supplies along the South Vietnamese border inside Cambodia. His goals are understandable, particularly to military men; (1) to shorten the war, (2) to save American lives, (3) to enable his Vietnamization plan to carry on to a successful conclusion, (4) to permit self-determination of the South Vietnamese to continue to fruition, and (5) to minimize the prospects of a disastrous defeat as the strength of our forces in Vietnam grows less during his previously announced withdrawal program.

The order has been given, American military men are now in combat carrying out the Commander-in-Chief's orders, and some are dying in order that a larger number may live.

At home, opponents of the Administration, the "Doves", the Peace-At-Any-Price advocates, and those who have been persuaded that the United States has only to withdraw its forces from Southeast Asia in order for universal peace to exist throughout the world, are working right now to tie the hands of our President in this endeavor. Many well-meaning supporters of those policies seem to forget the additional jeopardy to which such actions will subject our troops in Vietnam.

President Nixon told me, and a few other officers of veterans and patriotic organizations, two days before his talk to the Nation, that the action he was soon to order was imperative if we were to escape the probability of total and humiliating defeat in Vietnam. Information from captured enemy documents, prisoner interrogation, aerial reconnaissance and other intelligence sources available to him had convinced him and his military advisors that our position in South Vietnam would soon be untenable, the Vietnamization program destroyed, and a humiliating defeat in Vietnam almost assured unless he ordered immediate and positive action to destroy the forces and massive supplies of arms, ammunition, food and equipment which had been stored in underground shelters in North Vietnamese "sanctuaries" on the Cambodian side of the border along the great length of South Vietnam. These stores were, he said, sufficient to supply several North Vietnamese divisions for six months.

I am convinced that the President had no alternative; to do nothing would almost certainly insure the loss of all that we have been fighting for in support of free peoples everywhere, and the abandonment of the principles for which more than 40,000 American men have died in this war.

The voices of the organized minority are stridently raised against our President's action, giving great comfort and aid to the enemy.

I believe that, as a citizen who holds, or has held, a commission in the Armed Forces, you will want to add your support to those of us who have for too long been the "Silent Majority" by upholding our Commander-in-Chief in his resolve to bring about an honorable peace, maintain the integrity of this nation, fulfill its commitments to its allies, and honor those who have died in their efforts to preserve freedom for all peoples.

At the time of our meeting, the President gave us a detailed briefing on our general military posture. Beginning on page 3 I have briefly outlined some of his more pertinent and important points.

If you agree with the viewpoint I have expressed, I urge you as a private citizen to

take immediate and positive action along the lines suggested on the following page.

Sincerely,

W. R. SMEDBERG III,  
Vice Admiral, U.S. Navy, retired, President.

#### EXHIBIT 2

SECRETARY LAIRD'S MEETING WITH GODFREY SPERLING GROUP, MAY 14, 1970

Secretary LAIRD. However, will be judged finally on the basis of its overall strategic success, and I believe that this is the place where this operation will prove to be even more significant, and those were outlined by the President very carefully in his briefing of the Congressional leadership, the governors, in his press conference the other day; and they are, of course, the impact on Vietnamization and the pacification program which is tied up with the security aspects of Vietnamization.

Two, the rate of withdrawals of Americans from Vietnam, and three, the American casualties, as we move into the third and fourth quarter of this calendar year.

But I think in the final judgment, although it is a tactical success now in every way, the mission will be proven to be even more important from the standpoint of long-term strategic guidelines that were set forth by the President.

Question. I was travelling during this period and I saw several reports, and maybe these questions have been resolved while I have been away, but did you or did you not have reservations about our going into Cambodia?

Secretary LAIRD. First, when the change of government came about in Cambodia, I requested planning be done at that time on the various courses of action that could be taken. Our Government planning was started in the latter part of March, and various proposals were presented to me. I approved certain actions and made certain other recommendations to the National Security Council and the President.

The plan that is currently going forward is a plan submitted by me to the National Security Council and supported by me. I don't want to give the impression that when I present things to the National Security Council that no discussion takes place, that there is no give and take between the members of the National Security Council and others.

Every proposal which I have made to the National Security Council has not always been the proposal that has been adopted. I have made more proposals to the National Security Council than anybody else concerning the Department of Defense and military operations. But, I think the batting average has been pretty good as far as the Department of Defense is concerned if you go all the way back on the Vietnamization program, the outline of that, the timing of the troop withdrawals; if you go back on the biological research changes that we have made as far as biological warfare and as far as chemical warfare are concerned.

As far as this decision is concerned, I supported it fully and I continue to support it. There might have been a few things such as timing of this operation that are not exactly in accordance with the plan that I submitted; they are within a few days.

Question. Did you have any conversations at all with the President about the impact domestically?

Secretary LAIRD. Of course, I presented these evaluations to the President in very emphatic and strong terms. I did not anticipate, however, the Kent University affair and I would be misleading you that I even indicated that. But I certainly was aware of these problems. I am also aware of the Congressional problems involved. I spend more time

with the Congress than anyone else does. I probably talk to more members of Congress, as well as more students, than anybody else does by the way. I understand those problems.

But, we are over here right now. Everyone is concerned about the Cooper-Church bill which is going to be up for consideration in the Senate today. When I was over in the Congress, I used to be very interested in working with few limitations on the Executive Branch of Government, and I understand that, and I think it is a perfectly legitimate area to operate in, because I believe that Congress is certainly a co-equal branch of the Government. And I don't get into these local arguments over this business because I've been on the other side of that issue for too long.

The Cooper-Church Amendment is a serious Amendment. It will be interpreted not for its effect of what is going on in Cambodia because it doesn't start until this operation is all over. But, as far as world opinion is concerned, it will have a tremendous effect upon the turnaround of President even though it should be passed in the Senate, then in the House. It has that kind of effect.

The point I am trying to make here is that there are other amendments involved in that foreign military sales bill that are more far reaching and far more damaging as far as the security of the country, from my point of view, than many people realize. Of course, they deal with the disposition of military surpluses. This is a whole new ball game that is written into that bill, and I don't think that many people realize that.

It is a whole new ball game as far as our financing some of the commitments we have made to countries already, including Israel, including China, including Turkey. You can point to almost any country. These are very far-reaching changes that are in this bill, and there isn't much attention being paid to this.

Question. In the bill or in the amendment?

Secretary LAIRD. In the bill, as amended.

Question. In other words, in the bill as it comes to the floor.

Question. If you could respond just for a minute, Mr. Secretary. You stated you submitted as a plan of action back to Cambodia. Could you tell if this was your top option or just one of half a dozen possibilities? Did you favor this above others as possible approaches to the Cambodian question?

Secretary LAIRD. This was the top option. The problem here, to be very frank with you, the listing of the sanctuaries, is not exactly the same as in the program I presented. They are all covered. But it is not in the same order and I don't want to mislead you—the order has been shifted, but all of the sanctuaries are in the plan.

Question. On U.S. troops vs. non-U.S. troops, then from the beginning you favored the use of U.S. troops?

Secretary LAIRD. Well, you see, the reason you get into that, is that as soon as you go into the Fish-Hook area U.S. troops are involved. You understand that because the 25th Division and the 1st Cavalry Division are right opposite that area. They have the responsibility. The sanctuaries along the II corps area, the IV corps area and the rest of the III corps area, we have removed the Americans in those areas and they have no overall operational responsibility against the other sanctuary areas.

So, the question of timing is important from the standpoint of when we go into the various sanctuary areas. Now, as far as the Fish Hook area is concerned, this is the important area from the standpoint of where the command and control operations have been emanating. We have had four or five different fixes in that area where the

command and control is operated over a period of the last few years. That, at the start, looked like it would be a very tough area.

Now what happened was that after the time the original plan was submitted and the time that the final decision was made by the President of the United States, the military situation within the sanctuaries changed. You had a situation where the risk involved militarily became much less than the risk involved militarily at the start of the operation when it was originally in the planning stage. I'm sure you understand that when the American planners were first looking at this situation, you had a situation in which the North Vietnamese were poised against South Vietnam. Starting about the middle of April, or in that general area, you found your forces facing the other direction and moving away from the sanctuary areas so you would not have as great a military confrontation.

So, the risk involved to Americans became much less at that particular point when the North Vietnamese became involved in pointing a large number of their forces in the other direction. And when the risks became less, not only as far as the South Vietnamese forces, but less also as far as the American forces, and when the possibility of the lower casualties, much lower casualties, because of a lower military risk became apparent from our intelligence information, there were certain changes and I supported those particular changes.

In the original plan, when you had a complete military confrontation up and down the border, and all of the forces were aimed toward South Vietnam, it was a little bit different situation. When the risk to the American forces was at a lower level because of changes that had been made in the intelligence information that showed the enemy were pointed towards Cambodia at that time, this was the time to hit.

Question. And that changed your mind on these...

Secretary LAIRD. That changed my mind. Now, so, when you look at the different options that were available to us, I think you have to consider the time period in which you are looking at those options. The military threat that was posed at that time, not only to the Americans but also the South Vietnamese. You know, some people say you have until the 30th of June. Now, I am not sure that we will have weather conditions that will permit us to go until the 30th of June.

There are several things in the timing, the weather conditions, and the fact that you would not have a major military confrontation because of the shifts that had come about.

Question. Mr. Secretary, I don't think—I don't quite understand—it seemed to me that with the shifts that came about a reduction of sanctuaries would become less important. I don't know why suddenly this became such a critical problem.

Secretary LAIRD. This is not an operation to destroy people. This is an operation to destroy facilities and logistics support. They could not remove all of their equipment. They could not remove their ammunition. They could not remove any of this buildup in the time period that was involved. You know there was some criticism about using B-52's three days before you went into Fish Hook because it gave them warning. That is not important. We weren't interested in destroying, necessarily, the military forces. We were interested in making the movement as easily as we could as far as the Americans were concerned, but we weren't interested in destroying the people. You don't hear us putting out body count and things like that. I have stayed completely away from that kind of assessment of this operation.

This operation is being, I hope, judged

on a tactical basis on what is actually destroyed and uncovered.

Question. What do you think of the argument that that really isn't a very persuasive case because the Russians can resupply them and the Chinese can resupply them with rice in a relatively short period of time, and, therefore, you have not really accomplished a lot.

Secretary LAIRD. Well, my answer to your question is that it will take from six to nine months. And, as you know, I keep in fairly close touch with General Abrams and he has always felt that during this period up through August into September is the most important period in our overall Vietnamization program. He feels that this period of time, because of really our great emphasis on the training and the increase in the RF and PF started just a year ago at the time of the Midway Conference when we approved the largest increase.

This training program is going very well. There is not a more sensitive military commander that I know than General Abrams, and no more sensible military commander. He feels that this period of time is very critical and an important period.

Question. If I may ask another question.

Secretary LAIRD. They may have to go back into the sanctuary areas.

Question. Americans or South Vietnamese?

Secretary LAIRD. The South Vietnamese. At that time, they will be in a position where they can carry on this operation, even on the basis of 24 to 36 hours. They will be in that particular position.

As I told the committee the other day, I would not be in a position where we said that from now on the South Vietnamese would never go into the sanctuaries. I just think that is a ridiculous type of commitment for the United States Government to take at this time if we really believe in the Vietnamization program, and I do.

Question. If there were not the angry backlash, a massive backlash, in this country to which the Administration has had to address itself, wouldn't the President have announced that you are pulling out of there in the middle of this week... in other words, it seems as though you are engaged in an incomplete operation simply to placate public opinion?

Secretary LAIRD. Well, that is not the case. The President made the decision to announce some of the timetables. He has not announced all of the timetables. There is a timetable on every execution and in every plan that comes in.

Now, the decision as far as the two areas in which Americans have come out and are coming out this week—they have come out of other areas, but these are major numbers, in the thousands—those operations are completed. They have gone on schedule and they are completed. I don't believe that we should not announce the completion of operations and we have given our troop levels—

Question. My question is, have you intended all along to announce that we were going to come out the middle of this week and at the end of—

Secretary LAIRD. Oh, yes, we are going to announce each operation.

I don't know why it is so unusual. We have more newsmen, who are even using General Abrams' plane to take them around, and this idea that we can keep the completion of an operation a secret, I just don't understand that because you can't do it, Peter.

Question. Well, that is a little different. How do you know this is going to be completed, you know, at the end of a week?

Secretary LAIRD. Well, we tell them. They are briefed on this—how long they expect to go into a particular area. We have not kept that as to when it is completed tomorrow or Saturday—

Question. I know, but I don't understand



what completion schedule can be laid down in advance on a military mission when you don't know what you are going to run into, the job of destroying supplies, the opposition you might meet—what is the theory behind announcing that certain units will be withdrawn by the end of a week and by the middle of the following week, I don't quite get that.

Secretary LAIRD. Well, in this particular operation, this week, the operation was scheduled to go on for 10 days and it was finished in seven. It was scheduled on the basis of 7 to 10 days based on the amount of time it was necessary to do the search and the fact that they thought there would be military encounter. This is one of the areas where we uncovered quite a bit of material.

The military action did not take place, and we are not going to stay there if we don't need to stay there for 10 days simply because we had no military activity involved.

Question. Could you unravel something for me, please?

Secretary LAIRD. I hope I can.

Question. You said that the 5th and 25th American Divisions were in position, therefore, we sent—

Secretary LAIRD. It is the reverse.

Question. The 1st Cavalry and the 25th Division were in position, and, therefore, because they happened to live there they were selected to go into Cambodia. Well, of course, as you know, the 1st Cavalry with 450 helicopters and they went all the way from Camp Evans to relieve Khe Son so it would seem that you don't necessarily have to use the forces on the border. That is one thing that confuses me.

The second thing that confuses me—

Secretary LAIRD. I don't know why that confuses you because we decided to use the forces that had the security responsibility and then we—

Question. Well, you had plenty of air lifts to take care of the South Vietnamese.

Secretary LAIRD. Well, we airlifted South Vietnamese behind the border area, but they didn't have the security. You know who has the security on that border area right now.

Question. Right.

Secretary LAIRD. Okay. Well, we didn't change the security responsibility.

Question. But there would—

Secretary LAIRD. The security responsibilities remained the same and we airlifted the South Vietnamese in behind that area.

Question. But that wouldn't dictate what you do though.

Secretary LAIRD. Now, if you wanted to take and put—change the security responsibility and air lift the 1st Cavalry Division down into IV corps where we pulled all American forces out and bring some South Vietnamese up opposite and change the security responsibility, it could have been done, and I looked at that, but there are certain disadvantages in moving American forces back into the IV corps area. And those disadvantages, changing responsibilities in the IV corps area, far outweighed the advantage that you are talking about as far as the 1st Cavalry.

Question. Do I infer correctly that you could not have done the whole operation as finally approved solely with South Vietnamese troops just on the basis of numbers and equipment?

Secretary LAIRD. You could have done it, but you would have to change certain security responsibilities along the border.

Question. Is that what you are talking about when you talk about considering moving the 1st Cavalry as a replacement for South Vietnamese troops that you would have used then?

Question. The second point, just a short one, on Tuesday, you told the Senate Armed Services Committee that there was evidence of stepped up activity from the border sanctuaries in Cambodia against South Vietnam—Americans and South Vietnam and you

were, therefore, worried about increases in casualties.

This morning, if I tune you in correctly, you said the enemy was turning the other way and going into Cambodia which would seem to reduce the threat to Americans and Vietnamese.

Secretary LAIRD. As far as these operations were concerned, first, there are two questions that you asked there.

First, as far as the orders to the North Vietnamese and VC in-country during the period leading up to the first few weeks in May, there was no question and, many people fail to realize that this has come about, this last week the high point which was predicted in all of the documents and all of the intelligence information that we had and picked up during that period, and I discussed this before the Committee the other day, has come about.

This idea that there has not been an increase in activity—there has been an increase in activity in the last 10 days. This did come about, and we can show it to you statistically. Take our casualty figures today—the casualty figures that were released in Saigon this morning.

Question. Do you blame them on the raids—I don't believe that.

Secretary LAIRD. No, that is not the point that I am making. I am talking about the increased activity in-country that was being supported from Cambodia, and they will be supported from Cambodia.

Question. You can really confuse me, Mr. Secretary because—

Secretary LAIRD. Well, I am sorry.

Question. Because with the movements from the middle of the month to the end of the month, the movement that embraced the President's speech of the 20th and the 30th which way were they—you said earlier westward.

Secretary LAIRD. As far as the sanctuary areas are concerned, there was movement in the direction of by one-third, in the direction of Cambodia. I don't want to give you exact percentage, but about one-third in that area.

Question. Westward?

Secretary LAIRD. Yes.

Question. Were there movements that increased the threat to our forces?

Secretary LAIRD. There were movements, and there were plans and programs—if these had come about—now I don't want to give you the impression that they have not because they have in the last week. In-country there were movements supported from the sanctuary areas in III and IV corps.

Question. You earlier gave the impression that what happened after the 15th of the month was that the North Vietnamese troops in the sanctuaries began moving westward.

Secretary LAIRD. Yes, about one-third, 33 percent, about that. Don't use that exact—

Question. About how many? 30,000? 40,000?

Secretary LAIRD. Well, the full force in-country, the highest force in-country is around the 40,000 level. This was down to its low at 10,000 when they moved in-country.

Question. In-country means in Vietnam?

Secretary LAIRD. I am talking about in Vietnam. Now as they prepared for this particular highpoint, the in-country movement does go up. *The important thing that I was trying to point out here was that there was a movement out of the sanctuary areas in the other direction for the first time, and this makes the military challenge within the sanctuaries a much lesser threat because you have—now, if I have given the impression—*

Question. I understand that much.

Secretary LAIRD. Now, as far as the high point is concerned and as far as their plans for activities against American forces, these plans were from the sanctuary areas in the other direction. Now, they have come about.

Let me just express, I am sure you know you have probably had the announcement today on our casualty figure. There were 168, which is a high casualty figure.

But, it is important that you understand that of that high casualty figure against American forces, it was in-country.

Question. That is not including the Cambodian operation casualties?

Secretary LAIRD. Yes, that does include Cambodia, and that Cambodian operation casualties—I can give the exact figures—I think its 40—

Question. Are you saying that the in-country figures excluding the Cambodian figures went up?

Secretary LAIRD. That is correct. We have a very high in-country casualty rate this week.

Question. Well, let me try to identify some of my confusion, because I am sure I can't claim enough—what were the movements that took place between the 20th and 30th in Cambodia that so dramatically increased the threats to our troops?

Secretary LAIRD. You are talking about different things.

First, I am talking about the threat to our troops in the sanctuary areas. Now, you are talking about the threats to our troops in-country. Now, they are different questions.

Question. I am talking about the 20th to 30th when we didn't have any troops so far as I know in that area.

Secretary LAIRD. The threats to our troops in-country came about by the orders that went out from the North Vietnamese headquarters to bring about a high level of activity in South Vietnam.

Now, that is a different threat than the threat I am talking about in the sanctuary areas. The threat in the sanctuary areas is a different threat. That particular threat has to do with the number of troops that are stationed and located within the sanctuary areas.

My point in answering the question about the military threat that was involved, the military threat in the sanctuary areas depreciated. But the military threat in-country, not only in Cambodia, it went up, but it also went up in-country, and that is the important point here. I hope that I didn't confuse you by talking about the military threat within the sanctuary areas. What I am talking about there is the number of people that are there to confront American forces as they move into the sanctuary areas.

Question. Who is the military threat in Cambodia—you just said the military threat in Cambodia.

Secretary LAIRD. The military threat as far as Cambodia went up. That was brought about by the increased activity by the North Vietnamese as they moved and faced west—

Question. You mean those couple of towns they talk about?

Secretary LAIRD. I think that, as you know, whether you were there when I testified on this yesterday—that particular military threat is not concerned, as far as I am concerned, in Cambodia and in Laos. I am interested in Cambodia and Laos for only one reason and that is the effect of the operations in Cambodia, and Laos, supply routes and its effect on Vietnam.

Question. Can I ask one question which may be of only historic significance at this point? How did 30,000 to 40,000 in three months become 120,000 in a year? Can you play back that process a little bit for us? The impression some of us had was that when the President left for Hawaii, in that general period, the end of that week, the 17th to 18th of April, there was a general feeling that this was going to be a three or four-month package involving 40,000 men or so.

After he went up to CINCPAC and came back and announced his decision out west, it became a one-year time frame and there were a larger number of people involved.

What were the considerations there and what was the process by which the thing changed?

Secretary LAIRD. The 284 figure which was used by the President is the figure at the end of the fifth increment that you probably—and what he did was combine the fourth and fifth increments as far as troop reduction is concerned and he carried the program through which was either the 7th or the end of April or the first of May.

Question. But he eliminated the interim deadline too by combining the two increments.

Secretary LAIRD. What he did was he took himself out of the business of having to meet a deadline every three or four months and turned it over to the Department of Defense.

Question. You still regard that as the interim deadline, at the end of the fourth increment as being a deadline which has to be met since it was turned over to the Department of Defense?

Secretary LAIRD. We have to meet it because we have these projections in our budget, gentlemen, and we can't go up for a supplemental appropriations bill and our budget is based on these planning figures. I had not wanted to go to the Congress and tell them what the planning figures were, but the President has made a determination to announce them and these are the planning figures that are in the budget, right to the numbers—right on the nose—these are our planning figures.

Question. What was McCain's input on the Cambodian operation?

Secretary LAIRD. On the troop withdrawal, he wanted the delay. He joined with General Abrams and wanted no announcement.

On the Cambodian operation, he supported the plans which were developed by General Abrams with a few modifications.

Question. I had the impression—it may be totally erroneous, that McCain was a pretty strong lever on the Cambodian thing. What was the degree of McCain's influence on the Cambodian decision?

Secretary LAIRD. He certainly supported it, there's no question about that. The briefing which he presented to the President—I had the briefing in advance, of course. The plan that was presented was the plan that had been presented to the National Security Council, and he briefed the President on it.

I think a major portion of his briefing many of you may have had. It has to do with a run through of Southeast Asia—I am sure you had been in his office and he—but I don't go over the briefings that are given to the President.

Question. You are talking about the briefing before April 20th now?

Secretary LAIRD. He asked me about the briefing Admiral McCain gave to the President of the United States at breakfast, in Honolulu, at the time the President went out to welcome the astronauts and he had breakfast with—spent an hour with Admiral McCain. They had a breakfast and he wanted to know whether that briefing had any effect upon the decision.

Question. And you are suggesting that the briefing was relatively routine?

Secretary LAIRD. The plan as presented by General Abrams and modified by discussions that we had had here, but that plan had been put together, you know, it had not been approved in the operations until Monday night or Tuesday morning of the weeks the President—but the plan had all been put together.

Question. But he had gotten it before he got it from McCain or is that the first time that he had seen it?

Secretary LAIRD. I had given him the plan, the plan has been transmitted to him.

Question. Last week?

Secretary LAIRD. Well, before that.

Question. The question—

Secretary LAIRD. But it had not been approved.

Question. How concerned are you on the divisiveness on the home front?

Secretary LAIRD. I am very concerned about it and that's why we have been making every effort not only to live with our budget, but to cut our budget, so that we can make available to other priorities within our Government resources. We have, I think, done very well on this. We have gone from 44 percent of the budget to 34 percent. We have gone from 8.7 percent of the Gross National Product down to 7 percent. I am concerned about the Selective Service Act. Last year they said we couldn't get it changed, we have gotten it changed. We have the random selection and during the months of March and April, the first two months that it has been used, we are back taking youngest first. The system is working.

Question. You anticipate—

Secretary LAIRD. We are also trying to make the changes as far as making the draft a more fair and equitable means of taking young people into the service. I am familiar with these other priorities that we have to face up to and that is why—

Question. I am not talking about this, sir, I am talking about the backlash to this Cambodian divisiveness, had you anticipated that?

Secretary LAIRD. I think I have answered that. I felt that there would be, it had to be considered. It was one of the considerations which I presented. As I said earlier this morning, I anticipated difficulty in that area, difficulty as far as the Congress was concerned, and this was taken into account during the decision-making process. It was taken into account by the President of the United States. There is one thing—and I don't want to be repetitious, but I did not anticipate the Kent University killings, I did not.

Question. Well, do you attribute to the Kent situation what might be called guerrilla warfare on the colleges in this country?

Secretary LAIRD. I think that, as well as some other things did escalate that type of activity. There's no question about that in my mind. It did have an effect.

Question. Do you have under consideration any scheme under which you would send no draftees to Vietnam?

Secretary LAIRD. I want this understood that such a program is a possibility when you get down to 200,000 to 240,000 and our studies show that it is a possibility in that area. What I am trying to do as Secretary of Defense is get all draft calls down to zero. Our primary goal is to get draft calls reduced to the zero level.

The problem is that if you go out and say you are going to have an all-volunteer force in Vietnam when we get to 240,000 or something like that, at that particular time you have a tremendous changeover because there would be a lot of draftees that would still be in your service and still there. So, you would have well over 70 percent of the people at that time.

Now, you could phase in the volunteer force, but I don't want to give the people the impression that you can just change it over night, because you're going to have quite a few draftees that are still in Vietnam even in your support force—in security force, your air support and in your logistics support.

So, this is something that we can move towards, but I don't want to say it will be all volunteer when we get between 200,000 and 240,000 because you still have draftees there. You see, we've got this short rotation, this is one of the problems. Last night I had dinner with Charlie Goodell and I told him that I watched a little bit of his TV performance, and I thought that one of the things that bothered me the most about it was the manner in which he handled the fact that we are putting men into Vietnam and not explaining—I just believe that it really de-

stroys your credibility when you don't indicate that it's because of the short location period that we have to rotate people. Even if we come down to the figure sooner than the President anticipated in his announcement, you're still going to have an input, because we don't allow people to serve there for more than 12 months. The impression that we are putting thousands of people into Vietnam this month just is not an accurate portrayal of what's going on over there. We do put thousands in a week, but it's because of this rotation. Well, that is—

Question. Mr. Secretary, to what degree, if any, were we motivated in Cambodia by a desire, for military reasons perhaps, to support the anti-Sihanouk Government?

Secretary LAIRD. As far as I am concerned, I was not motivated in my recommendation.

Question. It may be military reasons that this would be—

Secretary LAIRD. Because I was motivated on the basis of the Vietnamization program, making further reductions in American forces a possibility and the reduction of casualties as far as Americans are concerned in the future.

I don't believe our Government has a commitment to Cambodia. Our commitment is to our own forces and our commitment is to see that the objective we've set out in Vietnam is achieved, and that's where I put it.

Question. What would you recommend if the communists appear to be about to overthrow Lon Nol Government and replace it with the one that is out?

Secretary LAIRD. I have made my position very clear on that as far as our operations are concerned, even applies to Laos too. This is my opinion and I would still recommend the interdiction of supplies and personnel. As far as our country is concerned even if we're asked to stop bombing the Ho Chi Minh Trail, I would recommend that we continue to bomb the Ho Chi Minh Trail, and the interdiction of supplies as long as it's in the protection of the Americans.

That's where I would limit it.

If we were asked to stop that kind of activity, either in Laos or Cambodia, I am talking as the Secretary of Defense, this is a decision that would be made by the President of the United States. I'm telling you what my recommendations would be and that's all I can tell you.

There has been no decision made. You don't make a decision on the basis of some iffy question like that, but I didn't want to hedge on what my recommendations would be.

Question. On the question of limits, has the Cambodian operation changed the character of limited war? It used to be pretty much a step-by-step business with pretty tight limits on what we could and could not do. As the President said, he made a massive step. What change do you foresee in the character of limited war as a result of this?

Secretary LAIRD. Well, of course, looking at this from the standpoint of the Secretary of Defense, I believe that the sanctuary problem, the occupied sanctuary problem is something that's existed as far as limited warfare is concerned for a long period of time and I don't look at this operation any differently than that which we have carried on for a good many years on the Ho Chi Minh Trail.

We have problems as far as limited warfare is concerned, but the sanctuary problem whether it applies to the United States or whether it applies to Israel or whether it applies to anyone else is a problem that from a military standpoint, and the defense planners standpoint, I think you have to take into consideration if you are going to commit Americans to that kind of limited warfare you have to give them protection.

Question. You define the sanctuary problem strictly then as a part of a country which is occupied—



Secretary LAIRD. By the enemy.

Question. By a force of another country which is the enemy?

Secretary LAIRD. Yes, that is correct. So that it wouldn't—I could get into that argument . . . (Note: Tape is blank.) But similar situation does exist.

Question. In talking about the Mideast, Mr. Secretary, is it your philosophy as Secretary of—

Secretary LAIRD. Gentlemen, I have to be at the White House at 9 o'clock. I don't mean to hedge on any of your questions, but I am running a little late.

Dan, you are supposed to get me out of here. [Laughter.]

Question. One more question on that sanctuary business, Mr. Secretary.

Secretary LAIRD. Really, I should be going.

Question. Thank you very much.

Mr. CHURCH. Mr. President, I commend the able Senator from Tennessee for placing these insertions in the RECORD. As one who was present at the committee hearing, I add my corroboration to the recollection of the distinguished Senator from Tennessee. The committee was in no way advised of the impending Cambodian operation.

From what the Senator has said, others were advised—others who were not even part of the U.S. Government.

This exemplifies what many of us in this body have been saying, the Senate is often the last to know. We must take action here that will rectify this situation, and restore the Senate to the role the Constitution intends for it to play. We can do that only if we reassert our own authority. This is, in part, what we seek to do through the adoption of the Cooper-Church amendment.

Mr. GORE. I thank the Senator. I should like to add emphasis to his remark that the Founding Fathers provided that the elected representatives of the people should have a responsible part in the making of such decisions as herein referred to.

This letter, if correct, indicates that the decision was being discussed with sundry private citizens while the information with respect to it was being withheld from the Senate by no less a personage than the Secretary of State himself.

This is a shocking situation. It is a subject to which the Congress and the country must direct their most serious attention.

Mr. CHURCH. Mr. President, what is the pending business?

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Idaho.

Mr. HOLLAND. Mr. President, will the Senator from Idaho yield?

Mr. CHURCH. I am happy to yield to the Senator from Florida.

Mr. HOLLAND. I understand, from reading the amendment now proposed to section 12 of the pending measure, that the distinguished Senator proposes to limit the rather broad provisions of section 12, as appearing in the original bill, so that they will now apply only to funds appropriated for foreign aid or for the furnishing of arms.

Mr. CHURCH. The Senator is correct.

Mr. HOLLAND. And not to funds covered by any other appropriation bill.

Mr. CHURCH. Yes.

Mr. HOLLAND. The substance of this will mean that funds included in a foreign aid appropriation bill, or a bill providing for the furnishing of arms to other nations, must have been authorized prior to the appropriation or at the time of appropriation in order to become an actual appropriation, expendable out of U.S. funds?

Mr. CHURCH. The Senator's interpretation of the amendment is entirely accurate. Judging from previous colloquy we have had on the subject, it is my understanding that the version now pending has the approval of the Senator from Florida who, of course, is a ranking member of the Senate Appropriations Committee.

Mr. HOLLAND. Mr. President, I thank the Senator. The Senator from Idaho is correct in what he has just stated. It is my feeling that in connection with appropriations for foreign aid and for the furnishing of arms to other nations, we should be peculiarly careful, and I find no objection to limiting those appropriations alone to matters that have been previously authorized.

There is only one additional point I wish to explore, and that I think we covered in our earlier colloquy: I want to be very sure that if there were any items covered in the foreign aid appropriations bill of last year which have not yet been obligated or expended, they will not be affected by this provision as it is proposed to be amended by the current amendment.

Mr. CHURCH. That is my understanding. The current amendment is prospective. It does not reach back to business previously completed by Congress.

Mr. HOLLAND. I so understand it; and yet I am a little disturbed by the wording of section 12, which begins as follows:

Notwithstanding any other provision of law enacted before the date of enactment of this section.

I simply wanted the record to be completely clear that notwithstanding the meaning of those words, the distinguished Senator from Idaho and those who stand with him from the Committee on Foreign Relations, in insisting upon this amendment, which is completely in line with their jurisdiction, have no intention whatever to affect appropriations made last year under the foreign aid appropriation bill of 1969.

Mr. CHURCH. We have no such intent. I assure the Senator on that score. If there is any doubt about this, the legislative history we have made on the Senate floor should clear it up.

Mr. HOLLAND. I thank the Senator. I have already stated in a previous colloquy what the Senator well knows to be the fact, that this legislation will have to be approved at the other end of the Capitol; but I do think appropriations in this particular field should have peculiar care, peculiar caution, and that subjecting them to the absolute condition that they must have previous authorization does provide that peculiar care and caution which I think is appropriate.

Mr. CHURCH. I thank the Senator, and I fully agree with his observation.

Mr. HOLLAND. I see the Senator from North Dakota in the Chamber also. He is the ranking minority member of the Appropriations Committee, as well as the committee which deals with foreign aid and with arms sales to other nations; and I should be greatly interested to hear any comment he cares to make upon it.

Mr. CHURCH. I yield to the Senator from North Dakota.

Mr. YOUNG of North Dakota. Mr. President, after listening to the colloquy which has taken place between the distinguished Senator from Florida and the distinguished Senator from Idaho, this amendment takes care of the objections I raised on this floor a few days ago.

Mr. CHURCH. I am happy that the Senator has no objection. We can proceed, then, with a vote on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Idaho.

Mr. TOWER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. TOWER. Does the Senator from Idaho still have the floor?

The PRESIDING OFFICER (Mr. GRAVEL). No; the Senator from Idaho gave up the floor. Does the Senator from Texas wish the floor?

Mr. CHURCH. Mr. President, I had not intended to yield the floor.

Mr. TOWER. I wish to have the floor before the question is put before the Senate.

The PRESIDING OFFICER. When the question was put, the Senator from Idaho lost the floor. Does the Senator from Texas wish the floor?

Mr. TOWER. Mr. President, I intend to proceed for some minutes. It may run to an hour, and conceivably longer than that. Therefore, I would be happy to yield to any of my colleagues who might have some comment on this particular amendment.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. TOWER. I yield.

Mr. HOLLAND. If the Senator does oppose this amendment, I shall of course, stay here; but I have conferences in my office. If the Senator has no opposition to this amendment, I would hope he would permit its passage.

Mr. TOWER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TOWER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHURCH. Mr. President, I move the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendments beginning on page 9, line 1.

The amendment was agreed to.

Mr. CHURCH. Mr. President, I move to reconsider the vote by which the amendment was adopted.

Mr. HOLLAND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

#### PUBLIC OPINION POLLS: THE PRESIDENT FLUNKS

Mr. CHURCH. Mr. President, some Senators have argued, in the course of this debate, that the Senate should take no action of any kind, inasmuch as recent polls have shown the President commanding a better than 50 percent standing in public opinion in the wake of the American invasion of Cambodia. These polls are widely used to bolster the argument that a majority of the American people support the President's Cambodian action.

What these arguments fail to take into account, however, is the phenomenon known to public opinion analysts as the "rallying to the cause" factor in determining the depth of public opinion.

I have here a paper that has just been prepared by Prof. Richard A. Brody, of Stanford University, a respected analyst of public opinion, concerning the May 3 Gallup poll showing 51 percent of the public "approving of the way President Nixon is handling the Cambodian situation." It is interesting that this is the same percentage the President enjoyed in March on his handling of the Vietnam situation.

Professor Brody has come to the conclusion that contrary to the President commanding a favorable majority from the American public, this poll "actually indicates opposition and not support."

The professor points out that public opinion favoring the President "climbs sharply when he takes action—any action, it seems; if the action is a dramatic one, the rise in public approval is sharper yet."

Some examples well illustrate this fact. Public opinion favoring President Truman rose 11 points after American entry into the Korean conflict; President Kennedy enjoyed a 10 percent rise in popularity at the time of the Cuban Missile Crisis in 1962, and—as the professor notes:

Even the disastrous Bay of Pigs invasion was followed by a rallying to the cause; approval of President Kennedy moved from 72 percent before the action to 82 percent after it.

In the final analysis, Professor Brody states:

The question of approval of President Nixon's handling of the Cambodian situation is thus a test of the "rallying to his cause"; President Nixon flunked that test! . . . In other words, the tragically dramatic move into Cambodia has not occasioned a rallying of the American people to Mr. Nixon's cause.

Mr. President, I commend Professor Brody's paper to the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

#### THE SILENT MAJORITY STANDS IN OPPOSITION TO THE INDOCHINA WAR

(By Richard A. Brody)

The Gallup Poll showing more than fifty percent "approving of the way President Nixon is handling the Cambodian situation" actually indicates opposition and not support. In the face of this report, how can one

claim that the "silent majority" opposes the war in Indochina?

Over the years public opinion analysts have identified a phenomenon called "rallying to the cause"; public approval of the President climbs sharply when he takes action (any action, it seems); if the action is a dramatic one, the rise in public approval is sharper yet.

Some examples: After the passage of the Truman Doctrine, public approval of President Truman rose from forty-nine percent to sixty percent; our entry into the Korean War was accompanied by an eleven percent rise in approval of Truman; the Cuban Missile Crisis was followed by a ten percent growth in approval. Even the disastrous Bay of Pigs invasion was followed by a rallying to the cause; approval of President Kennedy moved from seventy-two percent before the action to eighty-two percent after it.

The question of approval of President Nixon's handling of the Cambodian situation is thus a test of the "rallying to his cause"; President Nixon flunked that test! In March, on the question of approval of his handling of the situation in Vietnam, fifty-one percent approved, in April, forty-eight percent approved and forty-one percent disapproved; neither of these polls shows a different distribution than the Gallup poll following his action. In other words, the tragically dramatic move into Cambodia has not occasioned a rallying of the American people to Mr. Nixon's cause!

If we look at answers to other questions Gallup asked the public, we can come to understand why this dramatic failure to rally to the President has taken place: In the first place the public is pessimistic about the outcome. Fifty-five percent think a major involvement in Cambodia is unavoidable—they disagree with the President on this score. Rallying to the cause in the past has been accompanied by optimism or at least a hopefulness that "maybe it'll work"—that optimism is now lacking in the public; less than a third believe that we can avoid a major involvement in Cambodia. Beyond pessimism, the public disapproves of the major facet of the Cambodian escalation. Six Americans in ten disapprove of "sending troops to help Cambodia" and only twenty-eight percent believe we should.

Pessimism was reinforced by the flow of bad news from Vietnam was central in the massive growth in popular dissatisfaction with the Johnson administration. The pessimism over the Cambodian invasion is the prelude to a withdrawal of public support for the Nixon administration. And it should be remembered that Mr. Nixon began with a substantially smaller stock of public support than did President Johnson.

If the public rejects the sending of troops to Cambodia and thinks an undesired major involvement is likely, why do so many people still approve of Nixon's handling of the war? The answer can only be that a majority doesn't approve of the handling of the war but rather of the President as a symbol. We can come to understand this if we reflect on public opinion during the Johnson administration. At the ebb of public support of President Johnson, when substantial majorities disagreed with the main features of his Vietnam policy, a third of the American people still were willing to say they approved of his handling of the war. For President Johnson this situation contrasts sharply with the situation in 1966 when the public approved not only of his handling of the war but of the details of the policy lines he was following. President Nixon's support seems to be structured more like that of Johnson at the ebb than Johnson in 1966.

The symbol of the Presidency can only carry a President so long and Mr. Nixon's string is running out. The silent majority is not with the President in his Cambodian experiment.

Mr. TOWER. Mr. President, I would like to discuss two somewhat interrelated arguments which have been put forth as criticisms of the President and the administration and those who support the U.S. effort in Southeast Asia.

The first of these arguments avers that the government now in South Vietnam is so oppressive and indifferent to the needs of the people of South Vietnam that it is really no better than that of Hanoi. The argument is extended, somewhat illogically, to say that unless the United States undermines the South Vietnamese Government by negotiating it away at the bargaining table, this country cannot pretend to be assisting the people of South Vietnam.

Let us briefly compare the Government of South Vietnam with that in Hanoi and see if there is, in fact, "not a dime's worth of difference."

First, there are 25 newspapers in Saigon, many of which often disagree strongly with the Thieu-Ky government. There is one newspaper in Hanoi, and I defy anyone to show me an instance in which it has opposed the Communist government there.

There are 60 political parties in South Vietnam, many of them powerful and active enough to influence and oppose the Thieu-Ky government. In North Vietnam there is only one political party, the Communist Party.

In South Vietnam there is a strong union movement with some 500,000 members. In North Vietnam there is, of course, no union. I might add here that the president of the South Vietnamese union association, Phan Quoc Buu, is no puppet of the Saigon government. He and his newspaper have bitterly opposed it on occasion and even risked imprisonment to do so. And yet, the union movement is alive and thriving in South Vietnam.

Finally, I think it is important to note that the Thieu-Ky government has re-instituted the village government system in rural South Vietnam. Furthermore, the central government is rearming the villages through the village militia.

This is particularly noteworthy. No government as universally unpopular and oppressive as the Thieu-Ky government is accused of being by its detractors, would dare place weapons in the hands of the people. And yet, the Saigon government has actively pursued the arming of village militias. These militias have been effective defenders against Vietcong and North Vietnamese troops. They have used their weapons against the real oppressors, the Communists—not the Thieu-Ky government. This is tremendously significant. Is there a Communist country in the world that will allow its people to be armed? There is not—not one in the world.

Finally, I would remind those who are completely critical of the South Vietnamese Government of a simple historical fact.

During the 100 days in 1954 when the border between North and South Vietnam was open, over a million Vietnamese people fled from the North to the South. One million individuals, who "voted with



their feet" against the Communist takeover of North Vietnam and the dictatorship of Uncle Ho, fled to safety in the South. I am unaware of any mass migration of dissatisfied South Vietnamese citizens to North Vietnam. Apparently, the people in the South are not as convinced as some war critics seem to think that they would profit from Communist domination.

I am reminded of the time prior to World War II when Nazi Germany closed its borders, on the assumption that the oppressed Swiss people might flee in too great numbers into free Germany.

Parenthetically, I would note that the border was closed by North Vietnam after 100 days in 1954 in order to stem the flow of Vietnamese from North to South. This action was taken even though the North Vietnamese had signed the Geneva agreement which called for the border to remain open for 300 days. For some reason, any alleged breach of the Geneva agreement by the United States or its allies is considered to be immoral and unconscionable.

But, for some reason, those who oppose our efforts in South Vietnam today seem to think that the breach of the Geneva accords by the North Vietnamese is a matter to be overlooked.

Those who accuse the United States of violating the Geneva agreement—an agreement which it never signed—might well ask just what we would gain from following an agreement continually broken by the North Vietnamese.

Mr. President, I do not hold the South Vietnamese Government out as a perfect model of democracy in action. Aside from the strangeness of democracy to Southeast Asia, one must remember that the Thieu-Ky government is a government at war. Even in this country, restrictions have been placed upon citizens in time of war.

It is interesting to note, as an aside, that we cannot apply the same standards of democratic government, the same standards of democratic self-determination to less developed countries of the world who have no experience in self-government.

I might point out that even this nation at war, South Vietnam, has had an election during the course of the time it was plunged into war, a war being fought on its own soil.

I also recall that highly civilized country, the United Kingdom, from which we derived our legal and political institutions, the home of the mother of parliaments, suspended all national elections during World War II.

What is important, however, is that the Thieu-Ky government is the preferred government, however imperfectly chosen, of the people of South Vietnam. If they are oppressed by it, they can and will change it. We should not force them to accept a provisional government in its place. A provisional government, which, if history is any guide, would soon be captured by communism.

Assuming that such provisional government was composed of some kind of troika of pro-Western, pro-Communist, and neutral forces, it might profit from the Laotian experience. There, we now

have the spectacle of a neutral Laotian government fighting the Communists who are still nominally parts of that government.

The popularity of the South Vietnamese Government can, indeed, be debated, Mr. President. But what cannot be argued is the unpopularity of the Communist government. At this moment, in the real world of Southeast Asia, it is the Thieu-Ky government that offers the South Vietnamese people an opportunity to evolve an independent government of their own.

Insofar as the South Vietnamese people are concerned, the choice of governments available to them is limited to a Communist North Vietnamese government and the Thieu-Ky government. Let us not be confused by the existence of opposition to the Thieu-Ky government. It is not a vote for a provisional government; rather it is an indication of political give and take—the same kind of give and take, I might add, that we have in this country.

Perhaps a good hard look at our own actions in time of war will make it easier for us to understand why the South Vietnamese Government cannot always operate in the free and open environment which we might like.

In the United States during the War between the States, the Union imprisoned, without habeas corpus, between 18,000 and 35,000 citizens. Most of these were imprisoned because of opposition to war. In addition, some 300 to 400 Americans were shot in the famous New York draft riots of 1863.

Mr. President (Mr. SAXBE), there were many people in the North who did not want to go to war against the South and they demonstrated and responded to violence.

I do not recall anyone who will argue that Abraham Lincoln was a ruthless tyrant, bent on maintaining power through armed might. That simply is not accurate. He was a troubled man, leading a beleaguered nation through a terrible war. In order to preserve the Union which he so dearly loved, Abraham Lincoln invoked methods which, when observed outside of the context of a nation at war, seem repressive and authoritarian.

Some 90 years later, when this Nation was again at war, another President imprisoned thousands of American citizens on the west coast because they happened to be of Japanese ancestry—an ethnic minority. His decision to do so was upheld by the Supreme Court, composed of men who today, write books urging our young people to take extreme actions to end real and imagined oppressions of the "establishment."

I might note that Mr. Justice Douglas, who urges this sort of thing, was a party to the decision in *Korematsu* versus the United States, which stamped the imprimatur of the Supreme Court of the United States on the incarceration of thousands of loyal Japanese-American citizens into concentration camps in Arizona.

I do not believe that President Roosevelt was dedicated to armed suppression of dissent or possible dissent. It is more

accurate to observe that he made an error of judgment—an error concurred in by the Supreme Court of the United States.

I repeat, Mr. President, let us remember that the South Vietnamese Government is a government at war. Let us also remember that the United States of America has invoked some reasonably harsh and restrictive measures when it was defending its very existence. Perhaps we can be more understanding and less hostile if we do pause for thought.

While we are reflecting upon American history, it might be interesting to note that the present conflict in Southeast Asia is not the first war which has been opposed by an element within our country—despite its label as "the most unpopular war in American history."

I have already discussed some of the occurrences of the War Between the States. Can you imagine, Mr. President, the headlines some of our newspapers could have applied to those events? Perhaps, "Thousands of Dissenters Placed in Concentration Camps" or "Troops Shoot Hundreds in Streets of New York." The commentary would have been interesting too. One can almost hear the dulcet tones of some of our modern-day announcers intoning how "President Lincoln today, in the face of mounting war criticism, imprisoned more dissenters without allowing a writ of habeas corpus" or some similar remarks.

If President Lincoln had yielded to the pressure of those who opposed the war and responded to those who urged a settlement of the war on terms favorable to the South, we would not be one country today. Now there are those in my part of the country who think that this would have been for the better, Mr. President, but that is beside the point.

The point is that all war is unpopular and in virtually all wars there is internal pressure for "peace at any price." But this does not mean that all or a majority of the people oppose the war. It does not mean that a President who perseveres in bringing the war to an honorable conclusion is acting against the will of the people.

However, many of Mr. Nixon's critics and many of the supporters of this amendment argue that the war in general and the Cambodian mission in particular is so unpopular that the Senate must take upon itself the burden of defying the President so that the American people can have a "voice in their Government."

There is evidence, however, to indicate that the majority of Americans of all ages do not feel frustrated or cut off from effective means of expressing opinion. Furthermore, a recent Gallup poll reported in *Newsweek*—which can hardly be considered a publication that has a partisan bias towards President Nixon—indicated that of those who have an opinion on the Cambodian mission, a significant majority support the decision to send troops into Cambodia. I was particularly interested to note that of Americans in the 21-to-34 age bracket, 49 percent supported the President's decision.

I do not argue that this is conclusive,

hard evidence of the popularity of the President's decision. No poll can give us that kind of evidence.

But it does indicate that those who claim an overwhelming support of the American people for the present amendment have overstated their case, or simply misunderstood the will of the American people.

I might note further that the House of Representatives which is considered to be closer to the people than is the Senate—is made up of proportionate representation from each State according to population.

The Senate represents each State as a corporate entity, regardless of population.

My distinguished friend, the Senator from Oklahoma (Mr. BELLMON) has as much of a vote as I do. His vote is equal to mine. Yet the population of his State is smaller than that of Texas. I hasten to add that it is a high quality population.

My good friend, the Senator from Kentucky (Mr. COOPER) represents a State that has a smaller population than mine.

My good friend, the Senator from West Virginia (Mr. BYRD) represents a State that has a smaller population than Texas.

Yet the vote of each of these Senators is equal to mine. Their influence may be much greater than mine.

Let us understand that the House of Representatives is a body which is far more reflective of the will of the people than is the Senate.

The other day the House of Representatives rejected every attempt to tie the President's hands—and rejected it by a significant majority—in the conduct of the war in Southeast Asia.

Now, I would like to comment specifically on the pending amendment, the proposal to restrict expenditure of funds for the conduct of operations in Cambodia.

The President has stated that he does not intend to remain in Cambodia past June 30 and that he does not intend to go in there again. I certainly hope that he does not have to conduct further operations there; he hopes that he does not. Surely no Member of this body hopes that we will be required to engage in further operations in Cambodia. This amendment, however, is a superstitious reaction. It is an attempt to influence events beyond our control and beyond our reckoning by simply legislating that they shall not happen. Rather than insuring any such thing, the passage of this legislation makes us vulnerable to the unforeseen.

I believe that I could find broad general agreement with the assertion that it does little good to lay down rules when only one side is bound by them.

If legislation could protect the lives of American troops and hasten the day when we can safely and responsibly withdraw from Vietnam, I would be one of the strongest supporters of such legislation. But much of what can be done is shaped by events which we cannot legislate against. These contingencies the President must be charged with meeting. Clinton Rossiter observed in his study, "The American Presidency":

Constitution, laws, custom, the practice of other nations, and the logic of history have combined to place the President in a dominant position (in the field of foreign affairs). Secrecy, dispatch, unity, continuity, and access to information—the ingredients of successful diplomacy—are properties of his office, and Congress, I need hardly add, possesses none of them.

It is a body with immense power of its own in the field of foreign relations \* \* \* but the power is essentially negative in character and application.

I cannot believe that we want to exercise these "essentially negative" powers when at stake are the lives of American men. I should think that we would want to do everything possible to insure the President's ability to act swiftly and affirmatively to defend those lives from the attacks of an enemy in privileged sanctuaries.

Many critics of the President's action seem to have lost sight of who the enemy is and of the fact that the enemy is actively bent on pursuing hostilities against us and our allies.

Mr. COOPER. Mr. President, will the Senator yield at this point, or would he prefer to wait?

Mr. TOWER. Mr. President, if the distinguished Senator from Kentucky will allow me to complete my thought, I would be delighted to yield to him for any question.

Saying that the President will no longer be free to take certain actions in defense of our troops and our position will only encourage the enemy to re-establish, less cautiously than they might otherwise, the sanctuaries from which they might strike without fear of retaliation. This, in my opinion, invites further loss of American life and seriously endangers our Vietnamization and withdrawal program.

We in Congress are not in a position to direct combat in the field. We cannot take decisions swiftly. We are rarely of one mind. This is as it should be, for our debates are often lively and intelligent and bear directly on the shaping of long-range policy for the direction of our country. But the day-to-day conduct of the Government and the direction of our Armed Forces fall to the President as Chief Executive and Commander in Chief. Five hundred and thirty-five cooks could spoil the finest broth. War is a bitter broth and demands the talents of a single cook, well supplied for the task at hand.

Let me read you an excerpt from an article in the recent issue of *National Review* which, I believe, describes the present situation well:

In reality, there is nothing in the Cambodian operation that is out of line, objectively considered, with Mr. Nixon's avowed Vietnamization-withdrawal policy.

In every military withdrawal, conditional or unconditional, there are tactical reversals, flank movements, shifts back and forth. The North Vietnamese bases in Cambodia were well known, and in the last analysis were incompatible with successful Vietnamization and American withdrawal. While Sihanouk was in power, The Cambodian situation held more or less in equilibrium; a solution for these enclaves could be postponed. But with Sihanouk's departure, the equilibrium was destroyed. There was an acute risk that Cambodia might be entirely taken over by

the North Vietnamese before the new government could consolidate itself. American lives, as well as the chance for Vietnamization depended on a fast move to reduce at least the degree of the threat from these enemy-occupied areas. Therefore, the President, as Commander-in-Chief, ordered the move, as it was his duty to do.

What is most fantastic about the response to this rather minor and routine military maneuver in furtherance of a known and established policy is its disproportion. From the hysteria in the Senate, in the media and the campuses, one would have imagined that the President had ordered, at the very least, the H-bombing of half of Asia, the conscription of all persons from eighteen to sixty, and the defoliation of the redwoods. It must be granted that several of Mr. Nixon's final sentences in his TV address were also over-inflated. The truth is that this Cambodia operation is in itself a secondary incident.

If it comes off, it won't guarantee the success of Mr. Nixon's larger strategy, but it will enhance the possibility of success. If the hysterics wreck the Cambodia maneuver, however, as they seem bent on doing, the larger strategy may also go down in that wreck. One doesn't expect Abbie Hoffman to be concerned with that possibility. One might think a Senator would be.

I do not believe that anyone in this body consciously seeks to undermine the President's efforts to extricate our combat troops from Southeast Asia. But I am afraid that that might be the long term effect of the present amendment. I am afraid that this amendment would offer protection to enemy sanctuaries in Cambodia and ultimately scuttle the Vietnamization program at the cost of American life and prolonged involvement of American troops in active combat in Southeast Asia.

The constitutional questions which have been raised frequently during the course of this debate are interesting and serious. The balance between and among the three branches of Government does not give us cause for unlimited self-congratulation.

It is a situation which I believe we should examine unheatedly and at length with reference to more and broader problems than the present situation raises. We should examine, for example, how much of our constitutional responsibility we have abandoned to the independent regulatory agencies such as the NLRB, and how much legislative and judicial authority such agencies have subsequently usurped.

The power of the executive branch is awesome and it is incontrovertible that this power has grown far beyond the limits envisioned by the framers of the Constitution. But all too often when the shift of constitutional balance is brought under attack, it is more a result of dissatisfaction with a particular policy than of genuine concern with the broader philosophical questions involved.

Where do we stand? What are presently the relative powers of the legislative, judicial, and executive branches and the independent agencies? How did we arrive at this balance? And if not this, what should the balance properly be? I would welcome a full discussion of these questions. Such a discussion is, in my opinion, overdue. But let us not approach the problem piecemeal. The forces of history have brought us to this mo-



ment—not alone in the field of foreign affairs but in the entire conduct of our form of government. We cannot undo history, but hopefully, we can learn from it.

We must apply ourselves to discovering what its lessons are for they range far beyond the exigencies of an immediate situation or policy. They encompass the total business of our national life, the direction from which we came and the manner in which we may best proceed to the ultimate benefit of all our people.

Mr. President, I yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, I have listened with a great deal of interest to the Senator's speech. It is a well reasoned speech and it is scholarly. I wish to compliment the Senator.

I think a mistake the opponents of the amendment are making is their interpretation of the amendment. I say this with respect for the views of the Senator.

However, it is continually said, and incorrectly, that our amendment limits the authority of the President to protect American forces. That is a power which the President has as Commander in Chief and Congress cannot give him that power, enlarge it or take it away, any more than the President can take away from Congress our constitutional powers.

That is the first answer I make to the Senator's speech.

Mr. TOWER. If the Senator will yield, I would like to respond at that point.

Mr. COOPER. I shall yield, but I would like to make a second response to his argument.

What we are insisting on as sponsors of the amendment is that, as there is no promise, no covenant, and no obligation of the United States to defend Cambodia, that before we become involved in a war or the possibility of a war in Cambodia, the constitutional power of Congress in this field should be recognized, and the consent of Congress should be given or refused.

I want to distinguish between the two questions, the power of the President to protect our forces, and the authority of the Congress to refuse or consent to war in Cambodia.

I believe the Senator, as a scholar, as a college professor, and eminent Senator will perceive that there is a distinction between the two.

Mr. TOWER. First, I wish to thank my distinguished friend from Kentucky for calling me a scholar.

Mr. COOPER. The Senator is a scholar.

Mr. TOWER. None of my former professors during my undergraduate or graduate years would have concurred. The Senator is very kind.

I hope that from the background of my experience I can draw some understanding of this. May I say that, although I might personally be reassured by what the Senator said, insofar as the legislative history is concerned, I think that, where the language appears to be so specific, as it is here, that any judicial interpretation might hold that the legislative history is inconsonant with the

letter of the law as we enact it and, therefore, would hew to the letter of the law.

As I read the amendment, it states:

No funds authorized or appropriated pursuant to this act or any other law may be expended for the purpose of:

- (1) retaining United States ground forces in Cambodia.
- (2) paying the compensation or allowances of, or otherwise supporting, directly or indirectly any person in Cambodia.

Mr. COOPER. For what?

Mr. TOWER. The amendment then reads:

Who (a) furnishes military instruction to Cambodian forces; or (b) engages in any combat activity in support of Cambodia forces.

I shall skip that provision and move to the next:

Supporting any combat activity in the air above Cambodia by United States air force except for the interdiction of enemy supplies or personnel using Cambodian territory for attack against or access into South Vietnam.

Now, "retaining United States ground forces in Cambodia" would occur to me to restrict the President from using ground forces in Cambodia, even though he called it necessary to protect the lives of American soldiers.

Mr. COOPER. There is a clash of powers. We have authority to say, insofar as we have no commitment to defend Cambodia, the war cannot be extended into Cambodia, without consent of the Congress.

Mr. TOWER. The President already said he had no intention to extend the war into Cambodia beyond the business of cleaning out the sanctuaries.

Mr. COOPER. Subsection 1 confirms what the President has said: that he intends to remove our forces from Cambodia by June 30.

I am correct in that, am I not?

Mr. TOWER. Yes.

Mr. COOPER. So we are following his expressed objections in subsection (1).

In subsections 2 and 3 as the Senator will note, the final words are "in support of Cambodian forces."

Mr. TOWER. I understand that, and we can deal with that separately.

Mr. COOPER. Those words specifically apply to a way for Cambodia, in which we could become involved by our presence, a new war—against our constitutional power.

Subsection (4) probably is more favorable to the Senator's position than has been indicated.

Subsection (3) uses the words "in support of Cambodian forces." If there should be movements of men and supplies down the Ho Chi Minh Trail, into South Vietnam our air power could be used to interdict men and supplies, in protection of American forces. So it is not correct that we are attempting to limit the authority of the President to protect the troops. The amendment intends that we shall not become engaged in a new war on the ground of "protection of the forces." I think the question the Senator from Texas really is asking is a different one, if he will permit me to explore his reasoning. I do not think the Senator argues that in the protection of

our troops the President could open a general war in Cambodia to protect our troops. We have the right in the Congress to determine whether a new or extended war would give greater protection. I think what the Senator may be asking, is if the troops are withdrawn from Cambodia, and in the event there is a border clash placing our forces in imminent danger, whether the President would have constitutional power to take action along the border to protect our troops?

Is that one concern?

Mr. TOWER. That is a great concern.

Mr. COOPER. If it were limited and did not involve movement of large forces of troops into Cambodia, I would assume the President could take limited action along the border to protect our troops. He would assert his constitutional power. But we can lay down a general policy that the President cannot—and I say this with all respect, for I am talking about the office of the President, and President Nixon has said he does not so intend—engage in a major operation or war in Cambodia without the approval of the Congress. I think we have that authority as a matter of law. I think it is a correct policy, also, if we are to move out of Vietnam, as is the President's announced policy.

Mr. TOWER. Let me pose a question to the Senator from Kentucky. Suppose the President determined that a number of Americans were being held captive across the border in Cambodia. Would this amendment restrict him or tie his hands as he sought to liberate those prisoners?

Mr. COOPER. I think it would, by language, I will be honest, but the decision of authority, would be the President's.

Mr. TOWER. It would prevent liberation of American captives over there.

Mr. COOPER. Unfortunately, many of our men are held captive in North Vietnam. We have had no success in freeing them. North Vietnam has refused to obey the Geneva Conventions with respect to the treatment of prisoners. But do we continue to rely, if we can, upon international rules as a settlement to try to secure the release of those prisoners, or is the Senator asking whether we should engage in a larger war in an attempt to free them?

Mr. TOWER. It is possible that we could be heavily attacked across the demilitarized zone and the President might consider it necessary, in order to protect American troops, to make incursions into North Vietnamese territory. I am not suggesting he should. I am not suggesting what he should do under those circumstances. But I would not want to tell North Vietnam in advance that this is something we will not do. I would not like to tell North Vietnam that they can reconstitute their sanctuaries in Cambodia and our hands will be tied from destroying those sanctuaries or again mounting any offenses against them. I think this whole thing is going to be broadly construed as tying the hands of the President. I think this whole thing is going to be broadly construed as our having no confidence in the President. I think this whole unit is going to be con-

strued as a manifestation of majority sentiment in the Senate, should it pass, that we have no confidence in the President's word.

I will concur with the Senator from Kentucky that what he is suggesting is what the President has said he intends to do, insofar as limiting himself is concerned; that he intends to do it by the end of June; that he does not intend to make further incursions into Cambodia. But the fact is that when we say, "All right, you must not do what you said you would not do, but you are a little tricky and we do not believe what you said. Therefore, we are going to show our lack of confidence and we are going to telegraph our lack of confidence to friend and foe alike all over the world." I think that is perhaps the worst fallout in this whole business.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. TOWER. I yield.

Mr. COOPER. Before we get into the Senator's new argument, I want to repeat what I said awhile ago. This has to be made clear to the Senate and to the American people. The Senator from Texas is talking about one thing and I am talking about another. The Senator from Texas is talking about this amendment as one which prevents the President from protecting our troops. I say that it does not prevent the President from protecting our forces, except to this extent, which is in our constitutional right. The United States cannot be engaged in a war in Cambodia, where we have no obligation, without the consent of the Congress.

If there should come a time when we were threatened by Cambodia or operations in Cambodia—and I cannot believe we will be so threatened—then if the President came before the Congress and indicated this great danger, the Congress could pass a resolution if it thought proper and necessary to engage the United States and its forces.

The President has placed a time limit on the military operation. He has limited to some degree his freedom of action. He has said that the reason for the operation is to provide time—9 or 10 months' additional time—for the Vietnamization program to become effective.

We have a precedent. Last December Congress adopted an amendment to the defense appropriation bill and I believe some Members now making this argument against limiting the President authority voted for, which limited the authority of the President, and the President accepted the limitation.

We are making a distinction between the power of the President to protect our force when they are in imminent danger, a large military movement into another country, to which we have no obligation, without the consent of the Congress.

Mr. TOWER. May I note that the President has said that he has no intention of conducting joint military operations with the Cambodians, that he has no intention of allying the United States with Cambodia and going into Cambodia in support of Cambodian military operations.

There is, as there ordinarily would be

in a case of this kind, an ancillary benefit to the Government of Cambodia, because they are fighting the North Vietnamese, trying to get them out of their country. So anything we do to the Cambodians and their country is of ancillary benefit to them.

Mr. COOPER. It is an ancillary benefit to them, but I do not want that ancillary benefit to engage the United States in a war for them. We just want to protect our own forces.

Mr. TOWER. We cannot separate it. If we are going to go in to protect American troops, if we are killing North Vietnamese who might be killing our troops, if we are going to destroy North Vietnamese forces that may be killing our troops, if we are going to confiscate rice supplies to feed those who might be killing American troops, there is necessarily an ancillary benefit that falls to the Cambodians, because the North Vietnamese are trying to invade Cambodia and trying to take over that country. So the fact of the matter is that we are fighting the same people there, not in conjunction with, not in alliance with, not together with the Cambodians, but we cannot deny that that benefit exists.

This language could be construed to mean that simply because the Cambodians might get some benefit, we cannot do anything to protect our own troops.

Mr. COOPER. May I say, in extension of the argument I made before, that my remarks have not been directed solely to the present operation. Our amendment does not sanction it or condemn it. In fact, it does not have any effect upon it except fixing the date on which the President said the operation ceases to become effective and laying down rules for the future.

I want to move now to the argument the Senator has just made, which has been made by others. It is: "You are condemning the President, you are showing you distrust our President, you are publishing around the world that you do not believe the President, you are giving comfort to the enemy."

I understand such arguments can be made, and perhaps they are believed; but I do not think they are legitimate arguments, because we are not trenching upon the President's powers. We are attempting to assert the congressional powers. We do not condemn and say we distrust the President. I believe the President. But if those who disagree with this amendment want to use such an argument, and state that he is condemned, and spread it around the world, of course they can do so.

If that type of argument is used—and Senators can use it—but if that kind of argument is to be used every time Members of the Congress believe in honesty, that they have a duty of their own as members of the legislative branch to perform, then, of course, there is nothing we can do—and there is nothing the Congress could ever do.

Mr. TOWER. Mr. President, I am sure it was not the intent of the Senator from Kentucky to condemn the President, or to mount a vote of no confidence in the President.

Mr. COOPER. I support his Viet-

namization program. That is one reason I am against the continuation of this operation. I want to see his program work, and get our men out of Vietnam.

Mr. TOWER. But may I say to the Senator from Kentucky, it does not make any difference whether he or I think the argument that this is a condemnation of the President is an illegitimate argument. I am just saying that is the way this argument is going to be interpreted, because there is not very much precedent for it.

If we are going to assert the constitutional authority of the U.S. Senate in the conduct of foreign policy, why can we not do it in a dispassionate climate, one in which we are not faced with a particular kind of crisis? Why can we not, when the dust settles, sit down and consider the whole business of the tripartite separation of powers of the Government of the United States? This is a unique form of government. Very few nations in the world have it. No other major nation in the world has it. There are three separate, relatively independent branches of Government, each with its common source of authority, the Constitution of the United States. Why can we not—in a dispassionate climate, not at a time when the President has to deal with a crisis with speed and dispatch—sit down and talk about the constitutional prerogatives of the President, of Congress and, indeed, of the Supreme Court?

How many times has the legislative power of Congress been usurped by this agency, that agency, this department, that department, or the courts of the United States, and yet we have done nothing?

The fact of the matter is that our power over the conduct of foreign policy is essentially a negative power. We have the right to ratify treaties. We have the right to confirm appointments. We have the right to raise the stop sign. But seldom in our history have we gone over to the positive business of saying, "You may not do something in the future that we think you might do."

The supporters of this amendment have contended that this is in pursuance to what the President has said he will do; this is pursuant to presidential policy. Why not nail it down to this specific respect? If it is pursuant to presidential policy, then I submit that it is redundant for us to seal it into law here, in a really unprecedented action, at a time when we run the risk of convincing the world that we all disagree with our President, that we are not going to allow him to implement his policy and, from this point forward, "Ye shall know, be ye friend or foe, what the United States of America is going to do. We tie our hands."

In the Soviet Union, does the Presidium of the Supreme Soviet tell us what its limitations are? Does Hanoi tell us what its limitations are? Does Peking tell us what its limitations are? No. What we are doing is ourselves creating a strategic or tactical disadvantage for the United States in the face of aggressor powers in this world that are not concerned with all the niceties of being responsive to popular will, without concern for world opinion, without concern for Judeo-Christian concepts of law and right. We



are putting ourselves at a grave disadvantage with a cynical, disciplined, dedicated force in this world that seeks to control; and I think it is a foolish thing for us to do.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. TOWER. Mr. President, I ask unanimous consent that I may yield to the Senator from Alabama (Mr. SPARKMAN) for an unrelated matter, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### EXTENSION OF THE DEFENSE PRODUCTION ACT—REPORT OF A COMMITTEE—ADDITIONAL AND INDIVIDUAL VIEWS (S. REPT. NO. 91-890)

Mr. SPARKMAN. Mr. President, from the Committee on Banking and Currency, I report favorably, with an amendment, the bill (S. 3302) to amend the Defense Production Act of 1950, and for other purposes. I ask unanimous consent that the report be printed, together with additional views of Senators PROXMIRE, MUSKIE, MONDALE, BROOKE, GOOD-ELL, and myself, and the individual views of Senators CRANSTON and BENNETT.

The PRESIDING OFFICER (Mr. SAXBE). The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Alabama.

Several Senators addressed the Chair.

Mr. TOWER. Mr. President, I shall return later to the Senator from Kentucky, but I agreed to yield first to the Senator from Oklahoma.

#### THE USE OF THE FRANKING PRIVILEGE

Mr. BELLMON. Mr. President, earlier I had undertaken to discuss the matter of the use of the frank with the Senator from Nebraska (Mr. CURTIS), and the question of germaneness was raised. Since the hour of 3:30 is now past, I should like to get into this matter again.

The information I was discussing concerned a letter that was received in our office, which came in an envelope bearing the frank of a distinguished Member of this body.

The first sentence of the letter said:

The United States invasion of Cambodia is in violation of its commitments under the United Nations Charter, the Southeast Asia Collective Defense Treaty, and accepted goals of international law.

This communication bears the letterhead of the Columbia Society of International Law, School of Law, Columbia University. I bring this up because there is no place in this material that has the signature of any Senator.

Wondering, since I am rather new here, just how the frank can be used, we checked into the Senate Manual, and found that section 495, on page 341, contains these words:

A person entitled to use a frank may not lend it or permit its use by any committee, organization, or association, or permit its use by any person for the benefit or use of any

committee, organization, or association. This section does not apply to any committee composed of Members of Congress.

I should like to ask my distinguished colleague from Nebraska if, in his efforts to find the facts regarding the other matter which brought up earlier today—

Mr. TOWER. Mr. President, I ask unanimous consent that I may yield, for the purpose of his engaging in colloquy, to the Senator from Nebraska, without losing my right to the floor.

Mr. BELLMON. If he would consider going into this matter at the same time he investigates the other questions which have been raised.

Mr. CURTIS. Mr. President, I say to the Senator that I am not sure that the Senator from Nebraska is going to go into the matter any farther, at least to the point of any investigation. I called the matter to the attention of the Senate because I felt it was a very serious situation. This additional material called to the attention of the Senate by the Senator from Oklahoma, I think, relates to something that does not come within the purview of the lawful and proper use of the frank.

The franking privilege, so far as Congress is concerned, is for a Member of the House of Representatives or of the Senate to communicate with others. The law and the regulations specifically provide that he cannot lend his frank to somebody else and cannot delegate to someone else the right to use his frank.

I believe that I have received exactly the same material to which the Senator from Oklahoma refers. It came in an envelope bearing the frank of one of our colleagues on the other side of the aisle. It bore a letterhead of the State of New York. There was no message from any Member of Congress, and I think it was a clear violation.

It was my hope, in speaking earlier today, that this matter might be called to the attention of the Senate and that several things would happen—not only that the right to frank would be withdrawn by the Senators involved, but also, I think that Sam Brown and David Hawk should come forth and make a full disclosure of whose post office box it is to which they are asking that funds be sent. I think they should make a full disclosure of how much in funds they have collected, who claims ownership of it, and what they are going to do with it. I think that disclosure should be made to the Internal Revenue as well as to the Senate. They have trespassed upon the good name and the rights of the U.S. Senate, and I think they should make a disclosure.

If all of that happens, then, so far as this Senator is concerned, I am not suggesting that any particular action ought to be taken. I do not know that it should. But I commend the Senator from Oklahoma for his contribution in this matter. It is of very great concern, because the names of Senators who did not write any letter, who have nothing to do with it, either by accident, unintention, or otherwise, were incorporated in one of the epistles that were sent out, because it was the letterhead of a committee. I believe that the Senator from Oklahoma has a just right to be concerned. I believe

he has rendered a service to the country and to the Senate in so doing.

To answer more specifically, I would say that if the matter I have raised is not cleared up and a disclosure made by Sam Brown and David Hawk, and made available to the Internal Revenue, and then if the Senate, in its wisdom, decides to look into it, it should look into all the situations, including the one referred to by the Senator from Oklahoma.

Mr. BELLMON. Mr. President, will the Senator yield for another question?

Mr. CURTIS. I yield.

Mr. BELLMON. On page 321 of the Senate Manual, section 463, we find:

Whoever makes use of any official envelope, label, or endorsement authorized by law, to avoid the payment of postage or registry fee on his private letter, packet, package, or other matter in the mail, shall be fined not more than \$300.

I ask the Senator whether he feels that, under the provisions of this section, Brown and Hawk should possibly be fined merely \$300 for the one misuse of the frank or whether they possibly should be fined \$300 for each and every case in which the frank was used to solicit these funds.

Mr. CURTIS. I think that after all the procedures are adhered to and all the presumptions of innocence applied, very definitely it is intent of the law that the court should have the right to treat every mailing as a separate offense. Otherwise, a law such as that could be violated in a wholesale manner and the punishment would be quite trivial. Just what a court would do, of course, should be determined by the circumstances and the extent to which wrongdoing occurred and the intent of the parties.

Mr. BELLMON. Does the Senator from Nebraska know how many people received this frank mail from Brown and Hawk, or the approximate number of names on the mailing list that was used?

Mr. CURTIS. No; the complaints made to me came from Members of the Senate whose names appeared on the letterhead, because it happened to be committee stationery that was involved in the mailing that included the communication bearing the names of Sam Brown and Dave Hawk.

The Senator from Nebraska was out of town Friday. When I returned, I found that several Senators were concerned and were asking about it. I have had no opportunity to make any survey as to how much of this was sent out. I have received no such report from my own State.

Mr. BELLMON. I agree with the Senator that the Senate needs to know how widely the frank was used. If it should develop that a substantial number of pieces of mail were widely disseminated by the improper use of the frank, does the Senator from Nebraska know of any means by which the taxpayers and the Government can be reimbursed or made harmless by such illegal activity?

Mr. CURTIS. Again, I would not want to intend to give a hard and fast legal opinion on anything other than a complete statement of the facts when they are all in. But I believe that there are precedents whereby the cost of the mailing has been assessed after an error has occurred, whether it be by an innocent

error, an unfortunate mishap, whether it has been deliberate, whether it has been out of ignorance of the law, or what the cause be. There have been instances in which the cost of telegrams as well as the cost of franking has been later paid, and so the Government has been made whole.

I would think that in the one matter I raised in the original instance, in addition to the frank, by reason of the frank having been involved, the Senate should find out what is going on about the money raising.

Mr. BELLMON. Has the Senator been advised by the Parliamentarian, or does he know by reason of his own experience, which committee of the Senate has jurisdiction over the possible misuse of the frank and the authority to fully investigate such misuse of frank mail?

Mr. CURTIS. I think that certain aspects of it well come within the purview of the Committee on Rules and Administration. It is possible that a situation might arise in which it would involve the conduct of a Senator—again, I mean accidentally and not necessarily with intention to do wrong—and it might well be referred to the Committee on Ethics, so that some guidelines might be laid down. Also, if a resolution were introduced that involved that part of the problem in connection with punishment, I think that under certain circumstances the Committee on the Judiciary would have jurisdiction.

Mr. BELLMON. Mr. President, as a member of the Committee on Interior and Insular Affairs, I was frankly astounded that committee stationery was used on which the names of several Senators appear, including myself, who do not agree with the content of this letter.

I should like the Record to show clearly that I was not a party to this mailing, and I very strongly oppose the message that was contained in this mailing.

Mr. CURTIS. The distinguished Senator from Oklahoma is certainly justified in his statement.

It is true that individual Senators have used committee stationery for many years. That is a practice that might be wise or unwise. Nevertheless, it has been here for some years. The public is not always familiar with the practice, and it does put the Senator in an unfair light if the head of the stationery carries his name, or a message, and is used without his authorization or his signature. Thus, I believe that the Senator has rendered a valuable service in making his point. The Record should show—which it does—that the distinguished Senator from Oklahoma did not authorize and had nothing to do with sending out the letter. That must be the responsibility of those individuals who signed the letter at the bottom.

Mr. BELLMON. I thank the Senator from Nebraska.

#### AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate resumed the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

Mr. TOWER. Mr. President, I have

a few figures to bring to the attention of the Senate relating to our operations in Cambodia, some of which may have been already submitted for the Record. In any event, I submit them now, so that I may finish my remarks.

My understanding is that the distinguished Senator from Kentucky (Mr. COOPER) would like to comment on some of the things I have said today but he has a tight schedule, and I have, too; thus, I am perfectly willing to agree to a return engagement some time in the next few days.

I am sure that my good friend from Kentucky and I will have ample opportunity to do so, because I do not anticipate that this matter will be brought to an early conclusion.

Let me say here, that I thank my friend from Kentucky for his enlightening participation, which is in the best traditions of the Senate.

Mr. COOPER. We will meet again.

Mr. TOWER. Mr. President, there have been considerable assertions made that the Cambodian operation has not been profitable from the standpoint of the total military operations in Southeast Asia.

I submit that the potential of the materiel captured so far has probably saved untold thousands of Americans from losing their lives, to say nothing of those of our allies. Perhaps, it has even reduced significantly the possibility of a main force engagement at this time against the second, third, and fourth tactical zones, to the extent that we can now proceed with Vietnamization.

I think that one important benefit from the operations in Cambodia is that they have been conducted under the domination and control of ARVN. And they have acquitted themselves very well. The operation has come off, as most military men would say in applying objective military standards, in a very satisfactory way. Therefore, I think that we have had an opportunity to measure the progress of Vietnamization to date from the standpoint of the tremendous confidence exhibited by ARVN.

I believe that, given more time, and a reduction of pressure by the enemy, we can proceed even more quickly, since we have set the enemy back 5 or 6 months. I believe that that will result in a shortening of the war and will deny the enemy a great deal of his logistic support, which in terms of numbers will not be replaceable.

The latest accumulative data from the Department of Defense, which is tentative, as reported from headquarters in Saigon, for May 21, are as follows:

Enemy killed, 7,177; detainees, 1,759; individual weapons captured, 10,019; crew-served weapons captured, 1,640; rice, in tons, 3,701; rice, in man-months, 162,844—in other words, enough rice to feed 162,000 troops for 1 month. If we translate that into terms of the North Vietnamese troops currently in Cambodia, and estimate them to be 40,000, that would mean enough food to feed a total force of North Vietnamese troops in Cambodia for some 4 months.

Rocket rounds captured, 18,113; mortar rounds captured, 20,526; land mines

captured, 1,894; small-arms ammunition captured, 11,647,224; bunkers destroyed, 5,287; and vehicles destroyed or captured, 220.

Mr. President, regarding that figure on the bunkers, that is rarely referred to but is extremely significant; 5,287 bunkers were vital to the enemy. Bunkers constitute his base camp. They are not the defensive type which contain gun emplacements, but headquarters activities, hospitals, communication centers, and the like. They cannot be economically reconstituted.

Mr. President, these figures are impressive. Even the Washington Post of today, which can hardly be considered an avid supporter of President Nixon on the conduct of the war in Vietnam, has published an article over the byline of one of its staff writers, not a wire service story, which says in part:

After three weeks of operations in Cambodia, allied troops have seized more enemy weapons and ammunition than were uncovered in enemy supply caches inside South Vietnam all last year, military officials said yesterday.

All told, 2,100 tons of "hardware" have been found in Communist base areas—mostly in the Fishhook and Parrot's Beak—since the Cambodia operation began April 28.

This loss has not crippled the enemy, military men familiar with the Cambodian operation said. But the captured tonnage equals about two-thirds of the total estimated to have been brought from North Vietnam into Cambodia last year alone, and exceeds by about 500 tons the weapons and ammunition found in enemy depots last year in South Vietnam.

In assessing the results of the Cambodia operation, military men at the Pentagon did not echo the claims of President Nixon and Secretary of Defense Melvin R. Laird that the Cambodian operation will "shorten the war." Fifteen-thousand tons of enemy hardware has been stockpiled in Cambodia or transhipped into South Vietnam since early 1965, these sources said.

Mr. President, I ask unanimous consent to have the entire article printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

#### APPROXIMATELY 2,100 TONS OF ARMS TAKEN IN CAMBODIA

(By Peter Braestrup)

After three weeks of operations in Cambodia, allied troops have seized more enemy weapons and ammunition than were uncovered in enemy supply caches inside South Vietnam all last year, military officials said yesterday.

All told, 2,100 tons of "hardware" have been found in Communist base areas—mostly in the Fishhook and Parrot's Beak—since the Cambodia operation began April 28.

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shipped into South Vietnam since early 1965, these sources said.

But the short-term results so far, according to these sources have been worth the effort:

The weapons captured—9,600 rifles and submachine guns and 1,600 mortars and machine guns—were more than enough to equip 10,000 enemy troops, or about one-fourth the North Vietnamese and Vietcong strength in Cambodia.

The weapon loss, together with the allied capture of 17,700 rocket rounds and 20,400 mortar shells, should hamper the equipment of replacements sent from North Vietnam and delay the resupply of Communist forces for new offensives against Saigon and the Mekong Delta.

The presence of allied troops in long-secure enemy base areas has momentarily disrupted North Vietnamese replacements, communications and support for Vietcong and North Vietnamese troops inside the southern half of South Vietnam.

As reported from Saigon, enough rice—3,600 tons—has been captured in Cambodia to feed 15,910 troops for ten months. This is regarded as less serious than the loss of weapons sent from North Vietnam; there is no shortage of rice in Cambodia.

Although the prime target of the operations has been enemy material, not men, military officials said, 7,000 enemy troops have been reported as killed and 1,700 captured. (This is what the enemy was reported to have lost in South Vietnam in February). These figures, as usual, are regarded as tentative by military men here; they include South Vietnamese reports, which tend to be optimistic.

In a Pentagon news briefing yesterday morning, Jerry Friedheim, deputy assistant secretary for public affairs, noted that while South Vietnamese attacks on Cambodian bases continued, the U.S. troop commitment (about 20,000 men) to the operation "peaked" a week ago, when "several thousand" U.S. troops were pulled out from the Se San and Parrot's Beak areas.

The principal U.S. effort is still in the Fishhook, where the great bulk of enemy supplies have been seized.

Regarded as most important strategically of ten allied thrusts across the border has been the "end run" around enemy base area 704 and 709 by South Vietnamese forces pushing since May 16 along the coast of the Gulf of Siam to the Cambodian port of Kep. This effort is aimed at preventing reopening of the coast to small Communist supply ships, as well as any exodus by sea of North Vietnamese forces.

According to military planners, the long-term results of the Cambodian operations are uncertain, beyond costing the North Vietnamese three to five months—the rainy season—before they can begin to rebuild their bases.

Mr. TOWER. Mr. President, the Department of Defense has released a fact sheet, which is a very revealing sheet as to what we are doing all along to disrupt the enemy's activities. I ask unanimous consent to have this factsheet printed in the RECORD; and invite the attention of the Senate to the fact that a "rallier" as mentioned therein is a defector, or one who is sometimes called *choi hanh* in South Vietnam. They have provided intelligence which indicates that we have seriously disrupted their activities and their command activities which makes it impossible for them to maintain successful main force engagement against our forces.

There being no objection, the fact sheet was ordered to be printed in the RECORD, as follows:

#### FACTSHEET: DISRUPTION OF COSVN

1. This Fact Sheet provides a preliminary assessment of the damage to the COSVN apparatus by recent Allied ground and air operations.

2. COSVN directly controls enemy operations in South Vietnam's 3d and 4th Corps. The highly mobile headquarters complex normally located in the Cambodian "Fishhook" area, is made up of a number of political and military sections responsible for a wide variety of interrelated command-and-control functions. COSVN personnel have long been aware that their safe operation depends in large part on flexibility and mobility. As a result, the various headquarters' elements usually are dispersed in a series of small-base camps.

3. Since the early stages of Allied operations in the sanctuaries astride the Republic of Vietnam and Cambodia border serious disruption of COSVN elements has been apparent. Military and intelligence elements have been on the run, have had limited success in command and control between COSVN elements and subordinate echelons, and have been endangered by Allied military operations. During one brief period, the major political element of COSVN was completely unable to maintain command and control of its elements.

4. A major logistics complex (the "city") discovered on 3 May 1970, was located in an area known to contain COSVN intelligence elements. It is highly likely that infiltration groups destined for 3d and 4th Corps were forced to delay their trip south through the Lao Panhandle during mid-May because of disruptions of COSVN. At least two major COSVN intelligence elements moved deeper into Cambodia during the same period of time because of Allied pressure. By 16 May 1970, high-level military and political elements had relocated to positions north of Mimot, Cambodia. Throughout the initial Allied operations against Cambodian sanctuaries enemy military units received conflicting orders about launching attacks, in part to relieve the pressure on COSVN.

5. A rallier who served with a COSVN Office stated that a permanent base for 12 COSVN staff elements and two support units was located 10 miles west-northwest of Mimot; he said about 1,000 men were located at the camp. The source added that personnel at the base camp were being relocated on 11 May 1970, but that only two-thirds of them had been moved out before the installation was hit by a B-52 strike. A ground followup operation on the 17th disclosed 150 enemy bodies at this site.

6. Also on 17 May 1970, Allied forces discovered a complex near the base where the rallier had been stationed containing 135 bunkers, 10 classroom buildings, 57 shelters, 35 generators, more than 130 radios, field telephones and headsets, and more than 400 pounds of miscellaneous signal equipment. Documents, diagrams, and training aids also found at the site, in conjunction with the equipment and facilities, indicate that a COSVN signal school was located there. A study of these documents and the receipt of additional information should permit a more complete assessment of the COSVN structure and the effects of operations against the sanctuaries along the Republic of Vietnam-Cambodia border.

Mr. TOWER. Mr. President, I yield the floor at this point.

#### AMENDMENT NO. 650

Mr. GOLDWATER. I send to the desk an amendment to the pending committee amendment to H.R. 15628. It will be called up at the appropriate time.

The amendment reads as follows:

On page 4, line 21, insert "(a)" after "Sec. 7."

On page 5, between lines 18 and 19, insert the following new subsection:

"(b) The provisions of subsection (a) of this section shall become effective as soon as the President (1) obtains the release and safe return to the jurisdiction of the United States of every United States prisoner of war held by the North Vietnamese and the forces of the National Liberation Front, and (2) notifies the Congress that the provisions of clause (1) of this subsection have been satisfied."

The PRESIDING OFFICER. The amendment will be received and printed and will lie on the table.

#### ORDER FOR ADJOURNMENT UNTIL 12 O'CLOCK TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock noon tomorrow.

The PRESIDING OFFICER (Mr. SAXBE). Without objection, it is so ordered.

#### LAWRENCE O'BRIEN, CHAIRMAN OF THE DEMOCRATIC NATIONAL COMMITTEE

Mr. DOLE. Mr. President, like a lot of his fellows, the chairman of the Democratic National Committee has changed his spots in the last 2 years. In fact, he has moved from one spot to another with great rapidity, agility, and intellectual dishonesty.

Remember when—as a member of President Johnson's Cabinet and as a leader of Vice President Humphrey's campaign—he cheered as America got further and further involved in the land war in Asia. He spoke nary a word as more and more men were sent overseas. He voiced nary a criticism as casualties mounted. This was Larry O'Brien's war then, and he supported it 1,000 percent.

Today, in contrast, Mr. O'Brien is trying to wash the blood off his hands, using political crocodile tears with which to fill the basin.

We hear him daily trying to pass the blame for Democratic folly on to a Republican President who has brought Americans home, who has reduced casualties, who has taken the actions necessary to bring, not the surrender Mr. O'Brien wishes now to exchange for his war—but an honorable peace that will allow America to live up to her commitments throughout the world and will allow the South Vietnamese to select the government of their choice.

Mr. President, I do not believe that Mr. O'Brien is fooling anyone, but just in case they may have missed Mr. O'Brien's support of the war during his days as a personal aide and confidant of Presidents, let me call to my colleagues' attention portions of a speech he delivered on July 9, 1966. The leopard has indeed changed his spots.

Let me quote from page 6 of that speech, in which he discusses South Vietnam and, I might add, it was an address to the Lions International Convention at Madison Square Garden on July 9, 1966, and it reads as follows:

Against the current backdrop of a few nervous politicians, a few draft card pyromaniacs, and a few sign-carrying youth, our present Vietnamese policy may seem unpopular; seen in the perspective of history, there is remarkable national support for a struggle which is so complex, distant, and seemingly ambiguous.

I do not cite these facts to denigrate the importance of dissenting opinion. In fact, I believe that only through dialogue, which by definition means a difference of opinion, can we arrive at truth. But I do wish to point out that the mere fact of dissent should not, and must not, cause us to lose our nerve or our desire to formulate a policy that reflects the best interests of this nation. We are a nation of dissenters and the liveliest pages of our history reflect that spirit of dissent.

A President who regulated national policy according to the swings of opinion as measured by public opinion polls would be substituting a brand of exalted followership for the leadership for which he was elected. His policy would neither be worthy of the leader of a great nation nor would it serve us well. I do not believe that those who point to the findings of public opinion polls (and, incidentally, polls concerning Vietnam have often exhibited confusing and contradictory views) really wish to see a weathercock in the Office of the President.

Mr. President, I agree with the final statement made that day by the now Democratic National Chairman, Lawrence O'Brien, when he said:

I do not tell you this from any motive to celebrate war—any desire to see the fighting continue one moment longer—but from a deep conviction that a national course of action based on the magnified views of the summer soldiers and sunshine patriots who are always with us will only lead to greater sacrifices and greater cost.

Let us join ranks, and fulfill our responsibilities, for if we prevail, the outcome could mean a period of unparalleled international cooperation, prosperity and peace.

As our President strives to convince the aggressors that their warfare must be abandoned, he must not be left to bear his heavy burdens alone. I ask you to give him your support and your prayers in these trying times, and we will continue to move on the upward path to greatness that is our destiny as a nation.

Mr. President, I share the views expressed by one Lawrence O'Brien on July 9, 1966. And I would say to Mr. O'Brien today, as he attempts to shift the responsibility to President Nixon, that he might review the speech he made to the Lions International Convention in New York City. He might reflect on the words he used at that time.

I share the view he expressed that we must stand together and not let the President bear the burden alone, whether he be a Democrat or a Republican.

Mr. President, I ask unanimous consent that remarks made by Representative ROGERS C. B. MORTON in the May 18, 1970, issue of Monday be printed in the RECORD.

They are pertinent to this discussion.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

#### LOYAL OPPOSITION

"... a tragic decision based on a series of extreme misjudgments."

That pronouncement on the President's courageous Cambodian decision did not come from a southeast Asian expert nor from a latter-day Clausewitz. It came from Mr. Larry O'Brien—realtor, public relations man and

current chairman of the Democrat National Committee.

This is the same Larry O'Brien who, as Postmaster General under President Johnson declared on July 9th, 1966: "Against the current backdrop of a few politicians, a few draft card pyromaniacs and a few sign-carrying youth, our present Vietnamese policy may seem unpopular. But in the perspective of history, there is remarkable national support for a struggle which is so complex, distant and seemingly ambiguous."

It is of little moment that Mr. O'Brien changes his tune to fit any temporary political expediency. But his attack on the President last week was a sorry display of irresponsibility which placed partisan politicking far ahead of the national interest. It was a divisive tactic to drive a wedge between the American people and their President. And it was a black eye for the American tradition of loyal opposition.

Washington Post columnist Bill Gold doesn't pretend to be a fan of this Administration, but he rates high as a responsible journalist. Here are some excerpts from his May 11th column:

"I was opposed to our unilateral action [when we first went into Vietnam], but my disagreement was tempered with misgiving. I was not at all sure I was right. After all, a democratic majority had chosen our government and had given it the responsibility for formulating policy and exercising authority. One must be quite an egotist to assume that the entire government apparatus is made up of idiots who cannot match his own brilliance."

"I did not vote for Mr. Nixon and I feel no compulsion to defend him as 'mine' in a partisan sense. However, he is very much mine in the sense that he is every American's President. It seems appropriate, therefore, that those who take issue with him should do it in the traditional manner of loyal opposition."

"It seems quite gratuitous to circulate a petition which merely urges the President to make peace, for this implies that the President doesn't want peace, and isn't aware that his countrymen do."

"This is nonsense, of course. Every rational person wants peace."

"What kind of peace are we urging upon Mr. Nixon—the peace of surrender, the peace of justice and brotherhood. Justice, you say? Then whose definition of justice shall prevail, and who will decide which terms are just terms?"

Thank you, Bill Gold. In spite of Larry O'Brien, the spirit of loyal opposition will prevail as the nation joins ranks with the Administration to solve the critical problems bequeathed us by Mr. O'Brien's party.

ROG MORTON.

#### CONDITIONS IN VA HOSPITALS NOT AS REPORTED IN LIFE MAGAZINE

Mr. DOLE, Mr. President, the May 22 issue of Life magazine carried a cover story on the care received by wounded Vietnam veterans in the hospitals operated by the Veterans' Administration. The article, "Assignment to Neglect," as well as the vivid and shocking pictures which accompanied it, caused me immediate and deep concern. Having spent 39 months of my life in hospitals following World War II, I was shocked to think that the Life article accurately reflected present day conditions in these facilities. I immediately contacted Donald E. Johnson, VA Administrator, to ascertain the viewpoint of the Veterans' Administration as to the accuracy and authenticity of the Life report.

Today, I received Mr. Johnson's reply,

as well as a copy of a letter from Dr. Abraham M. Kleinman, Director of the Bronx VA hospital, which was the subject of the article. I believe these letters place the situation in its true light and raise serious questions regarding the journalistic standards of Life and its editorial personnel.

Mr. President, I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

VETERANS ADMINISTRATION,  
Washington, D.C., May 21, 1970.

HON. ROBERT DOLE,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR DOLE: In reply to your telephone inquiry, I am glad to provide Veterans Administration comment on the VA medical care article appearing in the May 22 issue of Life Magazine.

From the obviously contrived cover page and staged hospital photographs right down to every biting word of the all negative narrative, the article gives a totally distorted picture of the VA medical program.

Thus, it serves to needlessly alarm present and prospective patients; to discredit the competent and dedicated staffs at VA's 166 hospitals, and to make more difficult the recruitment of medical staff the article says we so sorely need.

The two photographs on the cover of Life tell a story of designed contrast that should be evident to every reader. The top photo—in color—shows happy and smiling servicemen during a moment of respite on the Cambodian front. The lower photo—a dimly lit and grainy study in plain black and white—depicts a VA patient posed in an attitude of dejection. The latter picture, although by no stretch of the imagination a typical scene in any VA hospital, does carry out the article's theme, "From Vietnam to a VA Hospital—Assignment to Neglect."

The same unsmiling patient, who plays the leading critic role in the text of the article, crops up again in the lead photograph of the article. This is a shower room scene with the notation that the veteran "waits helplessly to be dried."

Actually, a hospital attendant ready to dry the patient promptly so as to not delay baths for other waiting wheelchair veterans was waved aside by the photographer until he could shoot his "helpless wait" picture.

In fact, nurses, attendants and other VA helpers at the Bronx VA Hospital were often asked to stand outside camera range during the photographing—apparently to heighten the impression of patient neglect. Of 10 Bronx pictures in the article, VA employees are clearly visible in only two of them despite the fact the hospital staff numbers more than 1,600.

Although patients in the enema room are really curtailed away from necessary disposal cans, there can be no denying that Life's "Trash Can" scene was more dramatic after the curtain was drawn and the cans suitably adjusted for exposure.

There has never been, incidentally, a single verifiable report of a rat ever having been seen in the long history of the hospital. This is attested to by long-time employees as well as commercial exterminators who are called in periodically—as they are in many large institutions—to guard against the intrusion of mice.

I might add that although our investigation discloses there have been a few incidents of urine bag overflow in unusual situations, this is by no means a common occurrence and is quickly remedied. I should report, too, that paraplegic patients at the hospital are generally moved every two hours,



or more often if needed, and at no time is the wait more than three hours.

The article describes the VA hospital system as the biggest in the world, and yet in its zeal to condemn, Life could not find one good word to say about any part of this vast program.

The Life reporter held a nearly 90-minute interview with me in my capacity as head of the VA. What survived of this in-depth interview was a single two-line sentence in the final article, and even this one sentence contribution was airily dismissed in the next sentence of the story.

Life staffers visited the Washington, D.C., VA Hospital on three separate occasions, talked freely to many patients including severely disabled Vietnam veterans, and shot scores of photographs, many of a 22-year-old Vietnam amputee in his treatment routine.

Could the fact that all of these veterans voluntarily praised VA medical care be the reason that not one word or one picture about these veterans appeared in Life?

Could it be that of the 800,000 veterans treated each year the one complaining patient featured by Life—who condemned his country as well as VA care—better fitted the story Life wanted to tell?

The truth is that each month VA Hospitals receive literally hundreds of unsolicited letters from veterans and their loved ones expressing gratitude for the excellent VA care these veterans received.

Life describes the VA system as a medical slum. Here are just a few facts about this so-called slum—facts that were given to Life, but withheld from its readers by the magazine:

All of VA's 166 hospitals are fully accredited by the Joint Commission on Hospital Accreditation, which is composed of representatives of The American Medical Association, The American Hospital Association, The American College of Physicians, and the American College of Surgeons.

The basic VA medical care budget for the current fiscal year of \$1,541,701,000 is by far the highest in all VA history. President Nixon has already asked Congress for \$210,000,000 more than even this record sum for the fiscal year starting next July 1. The extra money will permit the addition of more than 5,700 employees to our hospital staffs.

VA hospitals are affiliated closely with nearly every major medical school in the Nation, an invaluable partnership that permits VA to keep abreast of the best and most sophisticated medical care.

VA hospital staffs are not only hard-working and completely dedicated to the proposition that our sick and disabled veterans will never be forgotten or neglected (as charged in the Life article), but include many of the real experts in American medicine. More than 2,200 of VA's 5,100 physicians are board certified specialists as the result of three to five years extra medical training.

All of this is not to say that the VA medical system cannot be improved just as every other medical program should seek improvement. We are committed to constant progress and improvement, for it is our goal to provide the very best possible medical care to every eligible veteran today as well as in the future.

Sincerely,

DONALD E. JOHNSON,  
Administrator.

MAY 20, 1970.

Mr. THOMAS GRIFFITH,  
Editor, Life Magazine, Time and Life Building, Rockefeller Center, New York, N.Y.

DEAR MR. GRIFFITH: In the interest of truth and in the hope of allaying the fears and deep concern which have been unjustifiably aroused in the American public by the article, "Assignment to Neglect", May 22, 1970, I trust that you will publish this letter. My

comments are directed to the quality of care received by the spinal cord injury patients who are the subjects of the article, but they apply to our other patients as well.

The title "Assignment to Neglect" is a cruel misnomer. Our patients are far from neglected. Considering the handicaps under which we work the quality of care which our patients receive should be classed as "superb"—but we class it only as "good" because of certain handicaps. Yes, we do have shortcomings. The buildings are old, the physical layout of the wards is inefficient, space is limited, and personnel is small in numbers but enormously large in dedication and devotion.

Let us examine every picture of the article. Of the twelve patients shown about whom something is written, six are of Marke Dumpert. Some time ago Marke Dumpert was transferred to another hospital at his own insistent request. Shortly after his arrival there, he pleaded with us to take him back, which we did.

The cover shows Marke Dumpert as apparently very depressed. On page 25 Dumpert is pictured waiting "helplessly to be dried." Actually he had been wheeled under the shower by a nursing assistant assigned to this task, and after he had been partly lathered with soap, the assistant was asked to step aside by the photographer who wished to take this picture. The fact is that no patient is left under the shower after completion of the bath. All are wheeled away and dried immediately. This picture, like the others to be described, are posed to illustrate a point, but the point illustrated is untruthful as in this instance, or a partial or distorted truth in others.

The picture on page 25 shows quadriplegic patients (patients who are paralyzed in all four extremities) lying on Stryker frames in the enema room. The caption states that they "wait up to four hours to be attended by a single aide." This is a misrepresentation of the facts. These patients are given their enemas promptly after arrival in the enema room. However, unlike normal people who expel bowel contents shortly after receiving an enema, it takes most of these patients from one to two hours to do this. In a few patients the process may take up to three hours, very rarely four hours. And what are the patients doing during this interval? Some of them doze, others chat with one another, and still others may day dream. The patients may be left alone for short periods of time because they are securely strapped to the frames.

On page 29 Marke Dumpert is shown in three poses. In the bottom two he is shown being treated by therapists. The caption reads "hospital aides strap him into a brace so he can stand." This is a partial truth. The clinic in which this picture was posed is known as the ADL Clinic; i.e., activities of daily living are taught here.

This is the first and in many respects perhaps one of the most important phases of rehabilitation of paralyzed patients when they are permitted to get out of bed. Many patients are fearful and must be given steady and repeated encouragement to make the physical effort. Dumpert was one of these but one of our nurses spent untold hours of her own time to encouraging him to make the attempt. He finally did, and now attends this clinic and others regularly. This picture then, although posed, reflects a truth about the care which our patients receive, but no one can tell from the caption that this treatment is excellent. It might have been a gracious and truthful gesture in the direction of some of the positives of our care had the caption so indicated.

The picture on page 30 shows a patient lying almost naked in bed. Also shown is another patient lying on a stretcher. The caption reads: "In a partitionless ward of the Bronx VA Hospital a disarray of dirty

linen is allowed to pile up around a quadriplegic's bed while the patient himself lies naked, unable to clothe himself after a shower." The whole thing was posed. The patient is Marke Dumpert who was taken to his bed after the shower previously interrupted was completed. Every bed has a cubicle curtain which is drawn when the patient is being cared for. In this instance, at the direction of the photographer, all of the cubicle curtains were drawn back out of sight of the camera lens. The "dirty linen" consists of the sheet which had covered the patient when he was being wheeled back from the shower room plus a number of clean pillows. Paralyzed patients need many pillows to be placed around them by nursing personnel for proper body positioning and for both comfort and convenience.

The other patient shown in the same picture, a World War II veteran, was asleep when he was photographed. He resents bitterly the fact that he was photographed without his knowledge or consent. If awake, he says that he would have refused to give permission. He says he feels that the Bronx VA has saved his life, and is thankful for the care which he receives here.

The upper picture on page 31 shows a sleeping patient and, on the floor beside him, a mouse caught in a trap. We do not use traps in our campaign against mice which admittedly we do have. We use tested and approved methods for mice control. Construction of buildings in the vicinity of the hospital, and some construction on the hospital grounds involving excavation tend to chase field mice into the buildings.

With respect to rats, there has been only one complaint made by a patient. This occurred last August. There have been no subsequent complaints. One of our experts states categorically that mice and rats do not exist together. If there are mice, there are no rats, and vice versa. What may have been seen is a black squirrel. We have many squirrels on our park-like grounds, some gray, others black. One of the latter could have invaded the hospital.

The bottom picture on page 31 shows "a totally crippled patient [who] must depend on a buddy who still has the use of his arms to get a sheet thrown over him." This is totally misleading. Quadriplegic patients have lost the inner body controls of temperature which normal people have. They frequently prefer to remain with as few coverings as possible, and we permit this inside the wards. The throwing of the sheet over the patient was the photographer's idea.

The final picture on pages 32 and 33 shows the enema room. On the right are two patients on Stryker frames while between them a hemiplegic patient in a wheel chair is giving a cigarette to quadriplegic patient Andrew Kmetz.

The caption states that the patients are waiting for treatment. This is not true. Kmetz was dozing while the photographer was taking pictures of him. He awoke as Frank Stopiello in the wheel chair was wheeled in to pose, giving Kmetz the cigarette. Stopiello was an overnight patient who had been admitted for the annual complete checkup which we give to all of our ex-patients, and he himself was not in need of an enema. Kmetz was disturbed at the invasion of his privacy. Stopiello is one of hundreds of paralyzed patients in our follow-up program. These patients have been rehabilitated to a full life in their communities and they return to us by appointment once a year for a complete checkup. Is this neglect?

The left side of the same picture shows several trash cans, one of them seemingly bulging with trash. The latter can is protruding into the area occupied by the patients. The caption reads, "Because of overcrowding, they must share a corner with trash cans." The cans are needed in the

room for disposal of the trash which accumulates in the process of giving and evacuation of enemas and subsequent cleaning up of the patients. However, the trash cans are segregated to one side of the large room, and a curtain separates them from the patient area. This curtain was pushed back and the overloaded can pushed towards the patient for misleading photographic effect.

I began this letter by expressing the hope that you would publish it in the interest of truth and in the hope of allaying the fears and deep concern which have been unjustifiably aroused. In concluding I wish to express my fear and concern that the article may lead to the title "Assignment to Neglect" becoming a self-fulfilling prophecy.

The staff on the spinal cord injury wards who work so hard with such difficult patients to achieve the wonderful results that they do have become thoroughly disheartened by the article. Staffing these wards has always been difficult, people frequently refusing to accept assignments there. As attrition occurs, it may become even more difficult to recruit replacements. Without an experienced staff, these patients cannot be treated. Neglect, now untrue, may become true later. But I have faith in the spiritual strength of our staff and in their ability to overcome their disheartenment. I also know that sensationalism in the press usually has only short term effects. I hope that your article will prove to be no exception to the rule.

Yours truly,

A. M. KLEINMAN, M.D.,  
Hospital Director.

#### CAMBODIA

Mr. CHURCH. Mr. President, in view of the importance of the Cambodian issue, I believe it would be informative and useful for our deliberations here to share with my Senate colleagues Norman Cousins' telling editorial in the May 16 issue of the Saturday Review.

Mr. Cousins is concerned about the U.S. Government not providing the American public with sufficient information in regard to our policies and operations in Southeast Asia.

Mr. President, I ask unanimous consent that the editorial to which I have referred be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

#### CAMBODIA

Three statements offered by President Nixon to justify the decision to send American fighting forces to Cambodia call for close examination:

*Statement No. 1: American policy since the Geneva Agreements of 1954 has been to respect scrupulously the neutrality of the Cambodian people. From 1965 to 1969 we did not have any diplomatic mission whatsoever in Cambodia, and for the past five years we have provided no military and no economic assistance to Cambodia.*

The statement is misleading. The reason the United States did not have a diplomatic mission in Cambodia for four years was that the government of Cambodia in 1965 requested the United States to leave after uncovering evidence that the U.S. had been involved in the 1965 effort to subvert and overthrow the legitimate government of Cambodia. Similarly, the reason no military or economic assistance was given was that none had been requested or would have been welcome if offered.

The United States was permitted to reestablish its diplomatic station in August 1969. The Cambodian government under Prince Sihanouk reaffirmed its position of neutrality. Increasingly, however, the sur-

rounding war pressed in on Cambodia. North Vietnam invaded Cambodian territory. South Vietnamese and U.S. forces conducted military operations inside Cambodia. Cambodian villages were shelled by the U.S. Prince Sihanouk appealed to all belligerents to respect Cambodian neutrality, then embarked on a trip to various capitals, including Moscow and Hanoi, to seek support for his neutralist position. While he was gone, the government of Cambodia was overthrown on March 18, 1970. Within twenty-four hours the new military government was recognized by the United States.

The government of Prince Sihanouk, elected in 1955, was the established constitutional government of Cambodia. The United States not only did nothing to help protect it or to restore it, but immediately recognized the military group that overthrew it. Nothing was said about the right of self-determination of the people of Cambodia.

*Statement No. 2: Beginning in mid-April 1970, North Vietnam intensified and enlarged its military operations in Cambodia.*

Correct but incomplete. After the military overthrow of his government, Prime Minister Sihanouk called upon Hanoi for help in restoring his government. The major North Vietnamese presence and a great deal of the current upheaval in Cambodia date, therefore, from the time of the military coup. The slaughter of Vietnamese civilians inside Cambodia and the sporadic unorganized fighting within that country are manifestations of fast-mounting unrest and possibly oncoming civil war.

*Statement No. 3: United States policy in Vietnam in particular and Indochina in general has been to uphold the right of self-determination of the people and to protect them against outside interference.*

Historically inaccurate. The 1954 Geneva Agreements, cited by President Nixon, provided for free elections to ensure the right of self-determination. The United States supported the decision of the South Vietnam government to cancel the elections scheduled for August 1962, because, as President Eisenhower later said, the evidence was clear that the people would have voted against the existing government in South Vietnam. In 1963, the United States was an acquiescent partner in the overthrow and murder of President Diem of South Vietnam.

Earlier, in 1960, the United States had been involved in the attempted overthrow of the constitutional and neutral government of Prince Souvanna Phouma of Laos. Against the advice of Great Britain and France, which argued that a neutralist government was the best one possible under the circumstances, the United States underwrote a military coup led by General Phoumi Nosavan, son-in-law of the Prime Minister of Thailand. The coup touched off a civil war. The United States, officially and diplomatically, had pledged itself to support the legitimate Souvanna government; actually, it was financing and supplying Nosavan. Both sides wore American-made uniforms. Both sides fought with American guns and bullets. For a month or two, both armies received their pay from U.S. paymasters. Then the United States withdrew all support from Souvanna, who appealed to the Soviet Union for help. Moscow was glad to oblige.

More than 30,000 citizens of Laos were killed in the civil war. A specific result of the war was the strengthening of the Communist Pathet Lao, which then came before the people as the party of national independence.

President John F. Kennedy recognized the need to stop the bloodletting in Laos and to keep the fighting from spreading. He initiated steps to restore the government of Souvanna Phouma. In direct talks with Premier Nikita Khrushchev, he was able to obtain agreement on military withdrawal of both the U.S. and the Soviet Union, and

to have both nations respect the neutrality of Laos.

The right to know is as basic to the protection of a free society as the maintenance of a defense establishment. Yet the evidence mounts that the United States government is more concerned with manipulating public opinion than informing it. The problem is not that the government does not attach sufficient importance to public opinion. The problem is that the government has insufficient respect for its obligation to make the facts known as they develop. It has freely used security cover in cases where the security of error-prone officials rather than the security of the nation is the prime consideration. Why is the government not providing a full and accurate account of its policies? Is it because the policies are inexplicable or because they are indefensible?

A great deal is said about the need to uphold the right to self-determination of the people of Vietnam and Cambodia. There is at least an equal need to protect the right of self-determination of the American people. Self-determination is not just a matter of going to the polls once a year. The act of voting should be the culmination of a long process of which access to adequate information is a major part.

Nothing is more ominous today than the increasing shift of the ultimate power in this society from the American people to political and military policy-makers in government. The best way to begin to stop the drift is to identify it for what it is.

#### ORDER OF BUSINESS

Mr. CHURCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARRIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### JOHN GRAVES

Mr. HARRIS. Mr. President, last week, while I was in Oklahoma, I was shocked and saddened to learn of the untimely death of Mr. John Graves as a result of a heart attack at the age of 33. John, as a Senate employee for 12 years, was well known by my colleagues on both sides of the aisle and was considered by all Senate employees to be a friend. His service to the Senate was truly outstanding.

John started out working as an elevator operator in the Senate and through his initiative and ability was able to gain the position of assistant secretary for the majority. Any new aide working for the Senate soon learned that no one was more willing or able to be of assistance than John.

I express my deepest sympathy to Karen and the children and to John's parents in Clinton, Okla. We will all miss him greatly.

#### AMERICAN INDIAN HEALTH CARE

Mr. HARRIS. Mr. President, I have on several recent occasions spoken on the floor of the Senate about the crisis we are facing in providing American Indian health care. Recently, I requested the Interior Subcommittee of the Senate Ap-



propriations Committee to increase the appropriations for Indian health to meet a severe shortage in personnel and drugs.

This week, I received a letter from Mark J. Weiss, M.D., chief medical officer, Claremore Indian Hospital, Claremore, Okla., setting forth the seriousness of the personnel shortage that the Claremore hospital is facing. I hope that we will meet the needs of this hospital and other Indian hospitals throughout the country by increasing the funding for fiscal year 1971. I ask unanimous consent that the letter from Dr. Weiss be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CLAREMORE INDIAN HOSPITAL,  
Claremore, Okla., May 11, 1970.

DEAR SENATOR HARRIS: I know you have heard a flood of rhetoric about the state of Indian Health in Oklahoma but I feel compelled to write to you about our situation. First of all, despite all the obstacles of poor funding and outmoded equipment I believe that our hospital provides the best medical care in the entire Northeastern section of Oklahoma outside of Tulsa. This is despite the fact that we lack any specialists except a general surgeon.

At present I am the medical director of the hospital. The number of physicians allotted to our present hospital is eight but almost the entire year we have been functioning one physician short; however, this year looks good compared to next year. I have been informed that we will be receiving only enough men to bring our entire complement of physicians up to six men. What this means in terms of care for the Indian community is rather sad. It means that if we do have only this number of men, that we will have to curtail our field clinics which have reached so many people in the outlying districts that were probably never getting the benefit of proper health service. We are not unique in this situation. The entire Oklahoma area is short of doctors.

This shortage of physicians seems unnecessary and uncalled for. I know of many men who were not included in the draft but were either refused Public Health Service or had to accept an armed forces commission because the PHS was late in choosing their men. To me there is no excuse for this type of non-planning, especially when it affects people who need medical service. I hope there is something you can do to rectify this situation. If you don't really see what I mean, look at the figures of the number of patients we see in a year. There is plenty of work here and not enough personnel to do it already. Please also consider that we have only one specialist. We delivered over 450 babies last year and saw thousands of children yet no one thought enough of the need of the people here to provide them with some men trained in pediatrics and obstetrics. Even our consultants in Tulsa have written to you and others pleading for the necessary specialists but instead we receive only fewer men.

Sincerely,

MARK J. WEISS, M.D.,  
Chief Medical Officer.

#### RELEASE OF FUNDS FOR REA LOANS TO RURAL ELECTRIC COOPERATIVES

Mr. HARRIS. Mr. President, On May 11, 26 Members of the Senate joined with me in a letter to the President urging the release of \$20 million appropriated for REA loans to rural electric cooperatives in fiscal year 1970.

As we pointed out in that letter, the Congress appropriated a total of \$365 million for REA loans to rural electric cooperatives for fiscal year 1970; however, the Bureau of the Budget has not yet released \$20 million of that amount. Inasmuch as the total appropriation for fiscal year 1970 for the rural electrification program falls roughly \$400 million below the amount needed in order for the one thousand rural electric cooperatives to meet the growing demands for service, it was felt by those of us who wrote the President that the additional \$20 million appropriated by the Congress is certainly urgently needed and should be released immediately.

Because of the present shortage of loan funds many of these systems throughout the United States are being forced to reduce their work force or cut back to a 4-day workweek. The result of which will be that residents of rural areas are not going to get the type of electric service to which they have become accustomed and to which they are entitled. Furthermore, a great deal has been said recently about the possibility of inadequate electric supply in this country during the hot summer months just ahead and members of the administration have alluded to the possibility of brownouts or even blackouts in some instances because of inadequate electric capacity.

The release of the additional \$20 million now being held by the Bureau of the Budget certainly will not solve all the capital requirements of the rural electric cooperatives, nor will it be sufficient to avoid short supplies of electricity in the immediate future. It will, however, allow the REA to make loans in those instances of pressing need. Mr. President, I ask unanimous consent that the letter signed by me and 26 other Members of the Senate to President Nixon urging the release of these funds be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,  
COMMITTEE ON GOVERNMENT OPERATIONS,  
Washington, D.C., May 11, 1970.

The President,  
The White House,  
Washington, D.C.

DEAR MR. PRESIDENT: Congress last year appropriated \$365 million for fiscal year 1970 for REA loans to rural electric cooperatives. It has been brought to our attention that \$20 million of that appropriation has not yet been released by the Bureau of the Budget.

Inasmuch as the total appropriation for fiscal year 1970 for the rural electric program falls roughly \$400 million below the amount needed in order for the nearly one thousand rural electric cooperatives to meet growing demand for service, we feel that the release of the additional \$20 million appropriated by Congress is urgently necessary. The rural electric cooperatives, in an effort to meet their needs for additional growth capital, have undertaken the establishment and operation of the National Rural Utilities Cooperative Finance Corporation. It is anticipated that some funds will be available for lending by this corporation early next year. However, CFC is presently still in its formative stages and cannot contribute significantly to the capital requirements of rural electric cooperatives at the present time.

Because of the present shortage of loan funds, many rural electric systems throughout the United States are being forced to reduce their work force or cutback to a four-day work week, the result of which will be that residents of rural areas are not going to get the type of electric service to which they have become accustomed and to which they are entitled.

The release of the additional \$20 million now being held by the Bureau of the Budget certainly will not solve all of the capital requirements of these cooperatives. It will, however, allow the REA to make loans in those instances of pressing need. We, therefore, respectfully urge you to release this \$20 million at the earliest possible date before the close of this fiscal year.

Sincerely yours,

Philip A. Hart, Fred R. Harris, Joseph M. Montoya, Ralph Yarborough, Quentin N. Burdick, Frank E. Moss, Daniel K. Inouye, Eugene J. McCarthy, Vance Hartke, Thomas J. McIntyre, Herman E. Talmadge, Mike Gravel, Harrison A. Williams, Jr., Albert Gore, J. W. Fulbright, Henry M. Jackson, Warren G. Magnuson, Gale W. McGee, Frank Church, Birch Bayh, Thomas F. Eagleton, George McGovern, Walter F. Mondale, Stuart Symington, Mike Mansfield, William Proxmire, Edmund S. Muskie, U.S. Senators.

#### ORDER OF BUSINESS

Mr. HARRIS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAYH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### JACKSON, MISS.

Mr. BAYH. Mr. President, yesterday I joined my distinguished colleague from Minnesota (Mr. MONDALE) and Representative EDWARDS of California and Representative CLAY of Missouri in a visit to Jackson, Miss. I put aside my schedule, as they put aside their schedules, to see firsthand the circumstances surrounding the incident of a few days ago which led to the tragic death of two young men and the critical injury of eight or nine others, most of whom were women students at Jackson State College in Mississippi.

In the aftermath of the tragedy there have been a number of discussions and a number of people by the spoken and written word, have expressed their concern for what happened there. None of them has done so more eloquently than has been done in two articles I have read since that time, one written by Carl Rowan and the other written by Tom Wicker. I think these two distinguished columnists in their inimitable fashion capture the spirit of concern and passion, which compelled us to travel to Jackson.

Mr. President, I ask unanimous consent that the two articles may be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD as follows:

# AMERICAN DREAM'S LAST VESTIGES (By Carl T. Rowan)

Just 12 days ago, as the nation reacted with outrage and angry frustration to the killing of four students at Kent State University, I wrote that that was only the beginning.

Now two students have been killed and several more seriously injured at Jackson State College in Mississippi where policemen opened fire on rock-throwing demonstrators and what police say were "snipers."

I wish I could believe that these new killings would deepen the sense of horror and shame that ought to engulf America these days, but I know that is not to be expected. The Mississippi corpses are black.

One of the glaring symptoms of this society's deepening sickness is that it can go for months, shrugging off the killings of black protesters and demonstrators, only to become aroused when National Guardsmen gun down four middle-class white youngsters.

I said the Kent State tragedy was only the beginning of more serious repressions. I erred, for Kent State was not the beginning.

On Feb. 8, 1968, three youths were shot to death and at least 34 persons were wounded when police fired on demonstrators at South Carolina State College in Orangeburg.

The South Carolina students were protesting against a local bowling alley where the owner insisted on a Jim Crow policy in defiance of the Public Accommodations Act.

The parents of the Kent State victims got touching letters of sadness from President Nixon. There is no record of President Johnson or any other top official sending condolences to the relatives of those youngsters who were shot down in Orangeburg.

Nor was there any national expression of horror or outrage where the black student victims were concerned. There youngsters were symbols of black rebellion, of "uppity niggers," so an awful lot of white America found it easy enough to shrug off their deaths.

But a society that sows the wind will reap the whirlwind, as we now see with violence swirling across more than 300 campuses, leaving bloody destruction in its wake.

Even as the national sickness deepens, like that of a man being fed a dose of arsenic every day, we grope in helplessness—mostly because we cannot rise above our political, racial, and social prejudices and hostilities.

We look at the ugliness of Augusta, Ga., and know that the country is no wiser, no more humane, nor more moral today than it was at the time of the Orangeburg killings.

Six blacks were shot dead in Augusta after a mentally retarded 16-year-old Negro was tortured and killed while in jail. The medical examiner says that all six blacks were shot in the back—one of them nine times.

Let us all note that in the case of the Kent State killings, sympathetic media told us in poignant detail about the lives of the victims. In the case of Augusta, it would be a major research project to cull the press and find even the names of those who were shot down.

I fear that even Americans who consider themselves good people, incapable of murder, tend to wipe these Augusta victims off their consciences as "just six more dead black troublemakers."

And that double standard tells us just how deep and pervasive are the woes of this society. When the protections of the Constitution, and enforcement of the law, vary according to whether the subject wears a beard, has a black face, or comes from the poor part of town, we are all in trouble. It does vary, and we are in trouble.

As the sense of outrage deepens among the young, the black, the poor, it becomes almost hopeless to try to convince them that

their violence will not achieve desired goals. It has always been hopeless to try to convince Americans like Georgia Gov. Lester Maddox that, when he warns demonstrators to "be prepared to meet their Maker," he gives license to kill blacks, yes, but also to kill the last vestiges of the American Dream.

Unhappily, it seems so useless to write these things, for so much of the public has put on blinders except for viewpoints that mesh into their own angry, narrow way of seeing things.

[From the New York Times, May 19, 1970]

IN THE NATION: FOR WHITE READERS ONLY  
(By Tom Wicker)

WASHINGTON, May 18.—Suppose you were black. What would you think if you had read these items in your newspaper in the last ten days?

From Augusta, Ga.: Six black men are dead, all shot in the back by police rifles or shotguns. At least four may have been no more than bystanders at rioting last week that followed the death of a black youth in a jail where conditions are known to be so terrible for blacks that community protests have been regularly made for years. One of these protests was a letter to Attorney General John Mitchell. He never answered.

From Jackson, Miss.: At Jackson State College, two black students are dead and nine are wounded, including several girls. All fell before a thirty-second barrage of gunfire from state highway police who for unexplained reasons took over the task of quelling a student disturbance, although town police and National Guardsmen also were at hand. The highway police justified the shooting by contending that they were receiving sniper fire from a dormitory roof. No evidence or witnesses have been found to substantiate the sniper story, although there are dozens who refute it, and there is no explanation at all of why trained police officers, upon receiving what they thought was sniper fire from a rooftop, fired more than 140 bullets into a crowd of unarmed students standing on the ground in front of a girls' dormitory. At the moment, no national protest rally is being planned for the Ellipse in Washington.

## THE CHICAGO SHOOT-OUT

From Chicago: Months after Fred Hampton, a Black Panther leader, was killed by Chicago police in what they described as a blazing gun battle with a band of armed Panthers, a grand jury has discovered that only one bullet was fired at the police raiders. It was the police who poured a massive fire into the apartment where Fred Hampton and others had been sleeping; it was the Federal Bureau of Investigation that provided the preliminary information, and it was police and city officials who later covered up the truth and concocted the story of the "shoot-out." Some Chicago newspapers as well helped carry out the distortion.

From Washington: The Justice Department has filed a brief in support of the proposition that Southern parents should get a tax deduction for making contributions to private academies set up as an alternative to desegregated public schools. As recently as January, Robert Finch, the Secretary of H.E.W., pledged to fight any such move, because he knows well that these academies can survive only through tax-exempt status; and that if they receive it, they will spring up throughout the South, thus effectively re-establishing a tax-supported dual school system.

## SOMEONE TO TURN TO

Well, since I am white, I don't know for sure what I would think if I were black and read those news stories. But even the effort to put oneself in the other fellow's skin, under these circumstances, is frightening. It is bad enough to be, say, the victim of a crime, or to be in fear of crime and disorder,

when you have recourse only to an ineffective police force and to a court system heavily overburdened. But at the least, in that case the law is on your side, or you believe it to be; there is someone to whom you can turn.

But suppose you feel that the armed policeman is not there to protect your life and rights but to do away with them? Suppose even the Federal Government is no longer trying to assert your rights in court and its highest law enforcement arm seems more interested in helping the police exterminate black militants than in impartially observing and enforcing the law? Suppose that, by all evidence available to you, the law does not even seem to be on your side—is at best indifferent and at worst hostile?

No wonder Dr. Aaron Shirley, up to now a moderate black leader in Jackson, said the other day that "if black folks have to die, they ought not to die so peacefully." White men who read that as a threat instead of a desperate plea for rudimentary justice and humanity can make no answer that will not ultimately echo the Mississippi patrolman who said after the Jackson slaughter: "You better send some ambulances, we killed some niggers."

Mr. BAYH. Mr. President, we went to Jackson, Miss., with the obvious understanding that nothing we said and nothing we did there could restore the lives of those who had fallen on that tragic night. I went there feeling that the environment, the circumstances which compelled me to go, really are not limited to the events of the tragedy at Jackson State College or in the State of Mississippi.

I have been deeply concerned about a growing insensitivity that exists in the country today relative to the concerns and problems of our young people, of our minority groups.

I should hasten to say that I have seen some causes espoused and some activity pursued in the name of the young and in the name of black and other minority groups in this country that have little relationship to responsible activity in our democratic process. I can see little excuse for some activities of violence and anarchy. I see little reason to tolerate bombing and burning that have been espoused by some in the name of dissent.

But just as there are a far-out few who have gone far beyond the legitimate bounds of dissent and freedom of speech—and should be punished for the law violators they are—there are, at the same time, large numbers of young, disadvantaged, minority group members who have tried to peacefully express their concern, and have tried in the finest tradition of our American society to get their Government to listen to them, and, with what seems to me to be increasing frequency, they have found a deaf ear. They have found the door of the system slammed shut in their faces.

I am deeply concerned about what we can do in this body, what those of us who are, in the term of the young generation, a part of the establishment, a part of the system, can do to express our concern that the door be kept open—that it not be slammed shut—that to differ is not unpatriotic, that, indeed, if we do not do more than we have in the past to let everyone know that they will be heard—even if they are not agreed with, that



they will be heard—that we are going to have the system left open to them, that the only alternative for being heard is to take to the street in violence and in anarchistic activity which would lead to the destruction of our Nation.

It was my deep concern that this not happen that led me to Jackson, Miss. We have seen tragic circumstances of action and reaction which have led to the death of students at Kent, black citizens in Augusta, and the student loss in Jackson. I thought it was important, and feel that it was important, that the white citizens of America express the same amount of concern for the loss of life of black students in Jackson as had been expressed for the loss of life of white students on the campus at Kent State University in Ohio.

Mr. President, I must say that when we arrived on the scene and witnessed firsthand what had happened and heard the eyewitness accounts of young and old, black and white, I came away appalled. Some who were with us suggested it made them sick to their stomach. It made me feel almost like crying that something like this could happen in the United States.

The Senator from Minnesota (Mr. MONDALE) is going to follow, and I hope my colleague will put in the RECORD a copy of the letter that some of us are going to send to our Attorney General, asking him to take action. In that letter we recount the series of events that transpired prior to the holocaust that was directed at the women's dormitory.

Apparently a dump truck had been set afire. No one knows who set that dump truck afire, but it was within reasonable proximity of the campus, a block or two away.

Mr. President, we were advised that this dump truck had been set afire because of a rumor that had excited the campus that Mayor Charles Evers and his wife had been murdered. Really, there is no factual evidence as to who set the fire or why, but at least there was a correlation between the fire being set and the rumor being spread. The fire department arrived there and put out the fire, to be followed by the Jackson, Miss., police and the Mississippi State Police, who marched from the scene of the fire to the men's dormitory.

Apparently there was some taunting, some word-calling, but no evidence of any rifle fire or significant exchange of bottles, bricks, rocks, or other missiles. This judgment of the Senator from Indiana was validated by a conversation that we had with a member of the college security force who was present at the time.

But for some reason or other, a handful of the officers proceeded to fire into the side of the men's dormitory, breaking out some windows. You could see the bullet marks on the facade of the building as well as the broken windows. Fortunately no one was killed. Then, for some reason, they marched, quasi-military fashion, up to the women's dormitory, which was about two blocks away.

There were about 100 or 200 students assembled in front of the dormitory. No one we talked to heard any shots until,

apparently without any warning and without any suggestion that the crowd disperse, and without even the use of tear gas to accomplish whatever the purpose might be, the officers leveled a volley of gunfire at the front of the women's dormitory that successfully knocked out all the windows and left the front of that women's dormitory looking as though it might have been located in reasonable proximity to Normandy Beach.

At the same time, apparently, some officers fired in the opposite direction, toward, what I think was the cafeteria building, and knocked out some windows in that building across the street. One body was found in the proximity of that area, and one was found close to the women's dormitory.

Mr. President, it is difficult for me to understand how, in the light of almost no provocation, there could have been any rifle fire whatsoever; and, indeed, if it had been, as rumor has it, necessary for the police to respond to a sniper on the rooftop of the women's dormitory, it is difficult for me to understand how they could fire into the crowd of students in front of the building and practically destroy the whole face of a building five stories high in order to seek out a sniper supposedly hiding on the roof.

Mr. President, this is a tragic act. It is a dark day. And what compounds the tragedy, in my judgment, is the fact that there has been little if any concern expressed by local officials on the scene. In fact, we were told that the police who leveled the volley at the women's dormitory offered no assistance to those who were crying out for help, but spent their time immediately following this tragic event picking up the shell casings from their weapons, and left the scene without aiding the wounded and dying. I think it is to the credit of the Mississippi National Guard that when they arrived on the scene, they indeed did help the wounded black students into ambulances.

Mr. President, I think it is important for some of us to let the black citizens of Jackson, Miss., know that we are concerned that this kind of thing happened, that we see little excuse for it happening, and we see even less excuse for the public officials of that area not to show compassion and determination to ferret out those who are responsible and see that they are brought before the bar of justice and properly penalized. Yet the evidence made available to us is that this has not happened, that none of the students involved were questioned except one student who had been questioned by two local police officials. It appears, however, that questions concerning the identity of the officer who had leveled the fire at him were not included in the questioning.

Mr. President, I shall not proceed at any great length, but I think it is important to recognize the critical nature of a problem which was eloquently stated in one brief response. After our hearings, and after the questions had been asked and answered, there was one black student who came on the stage, at the close of the inquiry, and said, "We appreciate

your sympathy and your presence, but we want justice; and there is no justice for a black man in Mississippi."

Perhaps that broad statement is too categorical and too all-inclusive, but I am here to testify that there are several hundred, if indeed not several thousand, students at Jackson State College in Mississippi who feel that there is no justice for them, who feel that this almost automatic, knee jerk response was a result of perhaps a decade or more of hate, perhaps a lifetime of hate, in the minds of the police officers who responded in this manner, and that most if not all of the students feel that that volley was a direct effort to assassinate them.

Mr. President, we have to find ways to prevent this from happening. We have to find ways to try to root out this type of hatred, this type of insensitivity which exists in all too many places throughout the country.

I am hopeful that we can search for more understanding, not just in Jackson and Augusta, but in Washington, Los Angeles, and New York. I am hopeful we will convince, not just the black students in Jackson, Miss., but student protesters wherever they may be, that if they are willing to work peacefully and lawfully within the system, this system is going to be responsive to their pleas.

Unless we do so, Mr. President, I fear that we will reach an intolerable level of action and reaction, of violence and repression, which will take away our freedoms and destroy our society as we know it today.

I could not help but think of the words of the late President Kennedy, when he discussed the need for us in positions of responsibility to address ourselves to change in our society. As I recall, he said:

Those men who make peaceful revolution impossible make violent revolution inevitable.

Mr. President, it is our responsibility to see that that does not happen.

Mr. MONDALE. Mr. President, there is little that I can add to the eloquent and compelling statement of the Senator from Indiana. I think that Jackson State is an American My Lai. It is almost impossible to re-create the circumstances that existed at Jackson, Miss., at the time these innocent youngsters were killed and wounded.

Those of us who visited Jackson State yesterday joined together in a letter to Attorney General Mitchell urging him to convene a Federal grand jury to determine whether there has been a violation of Federal law, and to bring to trial those who were responsible for the deaths of James Green and Philip Getz, the wounding of nine others, and the assault on the entire group standing before Alexander Hall, a women's dormitory at Jackson State.

Mr. President, the destruction at Jackson State College is indescribable. At least 70 State and local officers accompanied by an armored truck which they called a Thompson tank, came down Lynch Street, and first stopped in front of the boys' dormitory, which is about 2½ blocks away. It took us approximately 5 minutes to walk from Alexander Hall to the boys' dormitory

in front of which there had been a small disturbance. A truck had been set on fire allegedly in response to a rumor that Charles Evers had been murdered. There had been some taunting of the local police, by the men in the dormitory, and perhaps a rock or two thrown. I do not know.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. BAYH. As I recall, we at least know of one dustpan that was thrown.

Mr. MONDALE. One dustpan was thrown from a window. That is all that is known for certain.

The police opened fire on that dormitory. Some 10 rounds were fired into the dormitory, and luckily no one was killed or injured, but both could easily have happened. Then, inexplicably, these 70 or 75 State and local law enforcement officers marched up these 2½ blocks and stopped in front of the girls' dormitory. Once again, there was little or no provocation. We cannot tell just exactly what happened, but according to eyewitness accounts, a pop bottle was thrown out in the street and may have exploded. There may have been a rock or two, but there is no evidence now of any actions on the part of the students in the dormitory which would possibly be construed as endangering the police.

The police claim there was a sniper firing from the women's dormitory, but that has not been established, and no one heard sniper fire. The local Jackson State College policeman to whom we talked, who was there, said he heard no such sniper fire; none of the college students heard sniper fire; and no one has heard about or been able to find any evidence that might support the allegation that there was sniper fire.

Without warning of any kind, without any appeal of the students to leave; without any use of tear gas; without even a verbal command of the person in charge of State and local police, these 70 or 75 officers raised their automatic weapons—most of them must have been automatic—and fired a volley that went for 30 to 45 seconds. I do not know how many rounds were fired, but it must have been at least 300; possibly slightly less, perhaps more. The entire area was decimated by this fusillade.

The front stairwell—it goes up five stories—was utterly shattered from top to bottom by the impact of this firing. In the middle of the court, on the ground floor, is a large student lobby. Many of the windows in that lobby were broken by the firing, and one of the girls, who was sitting in a chair, was hit in the leg.

Two boys were killed. One was 17 years old. He was coming home from work and was walking behind the officers. As the officers fired forward into the dormitory, he walked behind them, on the other side of the street. Apparently, one officer turned in his direction and fired a volley killing this young 17-year-old boy. The other young man who was killed was 21 years old. According to all witnesses, he had just taken his girl back to the dormitory from a date and was leaving at the time he was gunned down and killed.

It is an absolute miracle that at least

50 students were not killed in that fusillade—an absolute miracle.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. MONDALE. I yield.

Mr. BAYH. From the experience that the Senator has had when he attended the university, is it fair to suggest that when there is activity out on the dorm lawn, the normal reaction of students would be to rush to see what was causing the commotion?

Mr. MONDALE. That is right. However, there were 100 or 150, perhaps 200, students already outside in front of that girls' dormitory.

Mr. BAYH. I concur with the Senator from Minnesota that it is a miracle that dozens of people were not slain by that random firing.

Mr. MONDALE. An absolute miracle. There was not even a demonstration. The disturbances to which references have been made were very minor and were 2½ blocks away. This was a girls' dormitory at which most of the firing was directed. The people who were killed and injured, by every conceivable interpretation of the incident, were entirely innocent. There was no warning. There were no efforts in any other way to suppress whatever it was they were suppressing. It was an open explosion of firepower.

Mr. SAXBE. Mr. President, will the Senator yield?

Mr. MONDALE. I am glad to yield.

Mr. SAXBE. I wonder whether the Senator from Minnesota or the Senator from Indiana have made any attempt to analyze what happens in such a firing. We had such a situation at Kent State, and I attempted to get at the bottom of what happened, as the Senators have in this matter.

I talked with military men. While I commanded an infantry battalion, I never commanded it under fire. So I had to go elsewhere to get direct experience in regard to this psychology. I found some very interesting things that I think have a great deal to do with what happened at Kent and what happened at Jackson. It is something that happens when men have guns and when men are frightened or think they are. Whether they are or not is neither here nor there.

One instance about which I was told by officers who have been in places under fire, or where they thought they were, occurred shortly after our landing in North Africa, when the city of Oran was occupied. They received word about 4 p.m. in the afternoon that there was to be an attack by six Nazi planes. They were prepared for them. The planes hit about 7 o'clock, just after dark. They made one pass and disappeared. The last shot was fired at 3 o'clock in the morning. Everything in the city opened up, and from then on one shot would be fired and then everything would open up again. This went on until 3 o'clock in the morning. A ship in the harbor would clear a gun, and everything would open up.

In Paris, there was an interval of 2 days after the fall of Paris before the army of occupation moved in. The underground was in force. There were a few Americans at the time, but not enough

to keep any order. But the underground was there. There were reports of snipers on rooftops. The underground took it on themselves to clear this. One man would peek over the roof, and another one would open up, and every gun within a half mile would open up.

There is something about the psychology of the loaded gun. When we look at what happened at Kent and when we look at what happened at Jackson, we must remember that seasoned troops in Paris—later on, seasoned troops in Oran—were what we would call trigger happy.

It is regrettable that we cannot control this, and perhaps the best thing to do is not to call anybody out with a loaded gun. But what I am saying is that it should come as no surprise to us, because as long as men in organized peacekeeping or military units have been called out en masse, this is the logical result. Whether it is a dropped bottle, or what they think is a sniper shot, we are going to have the opening up of firepower. Thus, the only question I raise here is not that it happened there, but that it has not happened more often. I do not believe that we should be surprised when it does happen.

Now, we look with amazement at what happened down there and at what happened at Kent; but the important thing we have to think about, I think is will Kent be the incident where the four students were killed, because when we have military men or police organized in a military-like formation, as the Senator described, we are going to have people shot; because they are called out and they are armed—they may be scared, or at least they are trigger happy. I am therefore more disturbed as to what this type of activity will be in the future.

Mr. MONDALE. Mr. President, I must say that one of the tragedies of this event is that it is a repetition of the experiences we have had before. The Kerner Commission studied the data in each of the cities which exploded into a major conflagration in the late 1960's, and one of its strongest recommendations was directed at the very thing to which the Senator from Ohio makes reference, that much of the violence was caused—albeit unintentionally in some cases—by an overuse of armed might, and that, in itself, killed innocent people and escalated the level of violence.

This is my personal judgment as to what happened at Jackson State, that it goes beyond a couple of green troops making a mistake. It was not Oran. It was a girls' dormitory. It was not one or two shots. It was enough to clean out Cambodia.

Mr. BAYH. Mr. President, will the Senator from Minnesota yield?

Mr. MONDALE. I yield.

Mr. BAYH. I share the concern of the Senator from Ohio about Kent State. He has studied that and I have not. From what I have read, I understand that there were skirmishes, lines of students and guardsmen going back and forth, and that there had been an overt effort on the part of the Guard to disperse the students. They had used canisters of tear gas and an effort had been made to clear



the students out. There was an exchange of rocks back and forth.

We had no evidence of this. It was almost as if those police marched up that street and decided that they were going to wipe out that dormitory. What the reaction was, I do not know, because we cannot bring those kids back to life. But, if we can do something to turn around this feeling of hate, this attitude which seems to permeate our society in so many places today, we have the responsibility to do everything in our power to accomplish that.

Mr. MONDALE. Mr. President (Mr. Hart), I am glad that the Senator from Indiana made that point. There has been talk by high officialdom that there was great provocation, snipers, and violence. First of all, I do not think there was anything to justify any of that. What existed was the smallest amount of minor problems that could in no logical way, under any circumstances, justify the use of firepower.

As Roy Wilkins put it, "a rock is not a bullet." Then, of course, it follows, by this fact, which the Senator from Indiana pointed out, that when the local and State officials finished firing, the students were lying all over the lawn, bleeding and crying out for help, but the local law enforcement officers spent their time picking up used cartridges and left. Maybe they called an ambulance, but there was not one attempt—unless the students forgot everything they saw, and all our witnesses had been there—there was not one attempt on the scene by those who did the shooting to help any of them.

Mr. President, what are our kids to conclude from that?

I invite the attention of the Senator from Ohio to an interesting article in this issue's Time magazine, which I ask unanimous consent to have printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

#### HOW TO KEEP ORDER WITHOUT KILLING

Four at Kent State. Then six in Augusta Ga. and two in Jackson, Miss. All dead because of the indiscriminate—and unnecessary—use of mass firepower by armed officers and troops trying to control destructive, or disorderly crowds. In each case a basic tenet of all enforcement agencies was violated: apply the minimum amount of force required to accomplish the objective. In an age of mounting civil dissent, many more such situations seem inevitable, raising the question: How can mobs be controlled without killing anyone?

The avoidance of death in most cases is simple: hold fire. Except to stop snipers, shooting to kill can rarely be justified. Even then, the Army, National Guard units and police departments instruct their men to first locate the source of the sniper fire, and to return it only by the pinpoint, one-shot-at-a-time marksmanship of a trained rifleman. Laying down a fusillade, Army military police are told, "accomplishes nothing constructive and creates hostility among innocent bystanders," even if none are wounded or killed. A sniper can often be silenced by surrounding his position and forcing him out with tear gas.

One of the clearest general guides to handling civil disorders is that of the U.S. Army. It places "full firepower" at the end of six

escalating levels of force to be employed in riot situations—and then only when failure to use it would lead to the "imminent overthrow of the Government, continued mass casualties, or similar grievous conditions." The first need, the Army emphasizes, is to present a strong "show of force." By that is meant the presence of enough soldiers to convince a crowd that it can be overpowered. Even then, progressive steps for displaying force are urged. They range from keeping rifles in their slings, to fixing sheathed bayonets, then removing the sheaths, to finally placing one round of ammunition in the chambers of the rifles.

The next level of force includes various riot formations, a general principle of which is to always leave a mob a clear exit as troops advance to clear an area. New York City's Tactical Patrol Force has effectively used wedge formations in which officers advance to divide a crowd with nightsticks held low.

#### SHOOT TO WOUND

The U.S. Army advises use of fire hoses as a next step, if needed. Tear gas, now widely used as almost the first step by many agencies, is considered a fourth-level tactic by the Army. After that comes the use of fire by selected marksmen, shooting at well-defined targets, and finally volley fire. Even then, such fire should be aimed low to wound, rather than to kill.

After the race riots of 1967, the National Advisory Commission on Civil Disorders urged that a crash program of research be undertaken by the Federal Government to develop nonlethal weapons, which could more effectively bridge the gap between a strong show of force and the use of guns. It cited as one approach the practice of arming some Hong Kong police with guns that fire wooden pegs. Other possibilities would be the use of tranquilizer darts and the spraying of slippery foam. Nothing much has come of such research; yet the need for something more effective than tear gas and less deadly than bullets is increasingly an urgent necessity. Meanwhile, what seems to be needed most is better training, especially for young National Guardsmen, and more discipline among all lawmen who must contend with frightening and maddening confrontations in streets and on campuses. Many lives could be saved if armed officers were to follow conscientiously the general principles outlined in a booklet all Ohio National Guardsmen are expected to carry in their pockets when on riot duty: "The keynote of all operations aimed at the curtailment of civil disorder is restraint," it says. "The well-trained, disciplined soldier is capable of dealing successfully with civil disorder if he and his leaders use sound common sense."

Mr. MONDALE. Mr. President, the article states in part:

Army, National Guard units and police departments instruct their men to first locate the source of the sniper fire, and to return it only by the pinpoint, one-shot-at-a-time marksmanship of a trained rifleman. Laying down a fusillade, Army military police are told, "accomplishes nothing constructive and creates hostility among innocent bystanders," even if none are wounded or killed.

The Army has a detailed list of precautions and steps to be taken to put down violence where violence exists. I do not believe there was any at Jackson State, but even if there were, where violence exists, there are a series of escalated ways the Armed Forces can move in, specific ways directed at a sniper by a skilled marksman, in self defense, to act against an identified sniper.

Mr. SAXBE. Mr. President, as a former Attorney General I am sure that the Senator fought against what we call the

warning shot. He knows the tragedies that result. A trooper takes after a speeder. The speeder attempts to escape—this was not uncommon years ago—and the trooper fires a warning shot. A policeman down the road observes a car being fired upon and he decides it must be a bank robber, an escaped murderer, or something, and the pursuit is taken up. Before long, shooting breaks out every place by everyone that can get hold of a gun. This way, speeders have been killed by people who observed the warning shot, thinking it was in pursuit of a felon.

As the Senator knows, that often happened.

At Kent State, the guardsmen had come from a truck strike, and they were edgy. Does the Senator say there was malice aforethought in the Jackson State incident?

Mr. MONDALE. I was not there. I have recited the evidence that we had—permit me to say that what the students said—I asked several of them, "What do you think the circumstances were?" and they said, "They were out to massacre us."

Maybe that is wrong. But the point of it is that there are hundreds of black students there who think the local authorities were out to get them, to take their lives. The behavior of the local authorities is unprecedented and indefensible, the way they fired upon innocent people in a girls' dormitory, the way they refused to help the sick and the dying, and the repeated use of "nigger" and other kinds of hostile comments by the authorities. That was testified to by the students. I believe this fits into the context of the death which occurred previously at the same college, under the same circumstances. It has opened up a tremendous sense of discrimination, hatred, and hostility that I think is so bad as to be obscene and unspeakable. I think it goes substantially beyond just a question of green troops.

Mr. TYDINGS. Mr. President, I should like to commend the Senator from Minnesota and the Senator from Indiana for bringing this one aspect of the facts of the tragedy at Jackson State to the attention of the Senate. I certainly respond in the same way that the Senator from Minnesota has outlined.

Mr. President, I would hope that the Attorney General of the United States would convene a Federal grand jury and make an inquiry into the events of the Jackson, Miss., tragedy.

I think this is one thing which this country has got to demand—equal justice under the law in all parts and all areas of the Nation.

Mr. President, I would be happy to join with the Senator from Minnesota and others in such a request to the Attorney General of the United States. I think that at the very least we need a complete inquiry. And if there has been criminal conduct involved, proper charges should be brought.

I think that the basic liberties of this country demand no less.

I am happy that I had the opportunity to listen to such a graphic and yet constrained description from the Senator

from Minnesota and the Senator from Indiana.

I commend them both for the efforts that they took to make the personal surveillance, inquiry, and investigation into this tragedy.

Mr. MONDALE. Mr. President, I thank the Senator from Maryland. His statement is what we have come to expect of his characteristic sense of fairness and justice in these matters.

Mr. BAYH. Mr. President, I will not belabor the point to any great length. But I think it is important that we address ourselves to the relevant fact, and that is where do we go from here.

The Senator from Minnesota and I, as well as others who were present on the scene yesterday, are glad to be joined by the Senator from Maryland in the letter to the Attorney General of the United States asking him in the strongest terms to call a Federal jury.

I think it is important not only to find out who is responsible for the blatant misuse of authority, but also to take the steps necessary to let the students at Jackson State and black citizens all over the country know that this Nation is concerned that this type of thing can happen and will use all of the vehicles of our governmental system to see that those who perpetrated such a miscarriage of justice be brought before the bar of justice and punished accordingly.

Mr. President, it goes back to what I said earlier, that it is not confined solely to Jackson, but is also confined to all communities in this country. We have to let everyone know that we will keep the system open and see that those who are aggrieved can find justice and address their grievances through the system, and that they do not have to resort to revolution and violence.

The system can and will respond. That is why we went to Jackson.

Mr. MONDALE. Mr. President, I thank the Senator.

In our letter to the Attorney General, we point out that in this audience of some 100 students, most of whom had been on the scene at the time of the shooting, only one in the entire audience had been questioned by local authorities.

That one had been wounded in front of the girls' dormitory. He pointed out that he had not even been asked to identify, if he could, who it was that had been shooting at him.

We think it is perfectly clear that the local authorities have no intention of doing anything about the Jackson State massacre and that the only hope is for the Federal Government to use its legal authority to convene a Federal grand jury and thoroughly investigate the matter and determine who was responsible and issue an appropriate indictment.

If this is not done, it seems to me, as we have pointed out, that to fail to do so would encourage the committal of further atrocities and the black people in that area would despair of working within a system that looks the other way while their children are slaughtered.

Mr. President, as we finished today surveying the scene and listening to witnesses, an elderly black lady came up to me.

She said:

You know, Senator, in one sense we have seen this many times before around here—black people being killed at the college and elsewhere. But, you know, they have never shot at a girls' dormitory before.

If anyone thinks that we are progressing as a society, perhaps that is one thing he ought to think about.

Mr. President, I ask unanimous consent that our letter to the Attorney General of this date may be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 21, 1970.

DEAR MR. MITCHELL: We urge you in the strongest possible terms to convene a Federal Grand Jury in Jackson, Mississippi, to determine whether the killing of innocent people at Jackson State University constituted a violation of federal law.

We were summoned to Jackson on May 20 by state civil rights leaders as an ad hoc committee of inquiry to view the scene of the killings and to hear the testimony of student witnesses and state and local officials.

After inspecting the bullet riddled men's and women's dormitories, the committee members assembled in the Lynch Street Masonic Temple where we listened to testimony with an audience of some 200 students and townspeople. City and state officials who had been sent invitations to participate were not in evidence.

Our investigation revealed the following:

While there was some name-calling by the students there was no evidence of greater provocation than the throwing of one dustpan and of one bottle or small brick. There was no testimony or evidence of sniper fire, as alleged. Every person we talked to on the campus and during the hearing, including campus security guard M. L. Stringer, said they heard no sniper fire. In our opinion the shooting was essentially without provocation.

About 75 state and local police, accompanied by an armored truck, arrived on the scene while firemen were extinguishing a burning dump truck in a field opposite the men's dormitory. The fire had been set, presumably by students, after a rumor spread through the campus that Charles Evers had been murdered. Firemen had withdrawn from the scene when police massed in front of the men's dormitory. There was some name-calling and a dustpan was thrown from an upper story window. Several officers moved to the east side of the building and fired through the upper story windows. No one was wounded at this point.

Police then moved easterly up Lynch Street and massed in front of Alexander Hall. A large number of boys and girls were standing in front of the hall between the street and the building. There was more name-calling. A bottle or small rock was thrown into the street. An officer was seen to raise a bullhorn to his mouth, but no one heard him speak. The crowd grew quiet and then, without warning, there was a volley of automatic weapons fire and shotgun blasts lasting from 30 seconds to one minute. The police fired directly into the crowd and through every window in the five story west wing of Alexander Hall facing the street. About 20 shots were also fired through windows in the middle wing. Pockmarks on a cement wall about 30 feet from the north curb of the street opposite the dormitory indicate some police turned and fired automatic weapons in that direction. This is where the body of James Earl Green was later found.

The interior of the west wing was a shambles, with broken glass everywhere, with blood all over the ground floor entrance where the wounded sought shelter, and with bullet holes through the interior cement

block walls. It was a deadly fusillade and it is a miracle more people weren't killed.

After the shooting the police busied themselves picking up spent shell casings while the wounded cried for help. We found no indication the police attempted to help the wounded beyond summoning ambulances with the words, "we shot some niggers."

The police made no attempt to disperse the students before firing on them. They gave no order to disperse. They fired no overhead warning shots. They did not use tear gas. They fired directly into the crowd and into the front of the women's dormitory without warning. They made no effort to aid the wounded afterward. In short, the act had all the characteristics of a mass lynching.

The statement you made in Cleveland, Mississippi, about violent demonstrations and repressive reactions could not have been construed to apply here since—and we cannot emphasize the point strongly enough—there was no provocation to warrant the bloodbath that took place. The claim of self-defense is absurd considering this was a women's dormitory that was stormed.

It is also revealing that of the approximately 100 students at our hearing, only one had been questioned by representatives of local or state police agencies. This was one of those wounded in front of Alexander Hall. He reported two Jackson police officials questioned him for about 45 minutes after the shooting and never once asked him if he could identify the man who shot him, although he told the hearing panel he thought he could do so.

It is perfectly clear, Mr. Mitchell, that neither state nor local officials have any intention of doing anything about the Jackson State massacre. If you don't do anything, then nothing will be done. We assert here that the moral responsibility for any consequences resulting from your failure to act will rest squarely on your shoulders. We can foresee two possible consequences: One, that the state and local police will be positively encouraged to commit further atrocities and, two, that the Black people will despair of working within a system that looks the other way while their children are slaughtered.

The Black people of Jackson and the students at Jackson State University have displayed remarkable restraint so far. That restraint is a gesture of good faith that can be abused only at great peril.

So we ask you, Mr. Mitchell, to act now by convening a Federal Grand Jury to investigate this tragic episode and to bring to trial those responsible for the deaths of James Green and Phillip Gibbs, the wounding of nine others and the assault on the entire group standing before Alexander Hall.

Sincerely,

Senator BIRCH BAYH,  
Senator WALTER F. MONDALE,  
Congressman WILLIAM CLAY,  
Congressman DON EDWARDS,  
Mr. CLIFFORD ALEXANDER, Jr.,  
Mr. JOSEPH L. RAUH, Jr.,  
Mr. ROY WILKINS.

#### AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate continued with the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

Mr. COOPER. Mr. President, I move to amend section 47 of H.R. 15628, the Military Sales Act, as follows:

Beginning on page 4, line 24, strike all to the end, including line 6, page 5, and insert in lieu thereof the following:

Sec. 47. Limitations on U.S. Involvement in Cambodia: In concert with the declared objectives of the President of the United States to avoid the involvement of the



United States in Cambodia after July 1, 1970, and to expedite the withdrawal of American forces from Cambodia, it is hereby provided that unless specifically authorized by law hereafter enacted, no funds authorized or appropriated pursuant to this act or any other law may be expended after July 1, 1970.

The amendment is offered on behalf of the Senator from Idaho (Mr. CHURCH), the Senator from Montana (Mr. MANSFIELD), the Senator from Vermont (Mr. AIKEN), and myself.

The PRESIDING OFFICER. The Chair advises the Senator from Kentucky that the clerk must read the amendment, notwithstanding its being read by the Senator from Kentucky.

The amendment will be stated.

The assistant legislative clerk read as follows:

Beginning on page 4, line 24, strike all to the end, including line 6, page 5, and insert in lieu thereof the following:

"Sec. 47. Limitations on U.S. Involvement in Cambodia: In concert with the declared objectives of the President of the United States to avoid the involvement of the United States in Cambodia after July 1, 1970, and to expedite the withdrawal of American forces from Cambodia, it is hereby provided that unless specifically authorized by law hereafter enacted, no funds authorized or appropriated pursuant to this act or any other law may be expended after July 1, 1970."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. GRIFFIN. Mr. President, as I understand it, this is an amendment being offered by the Senator from Kentucky to the pending amendment.

Mr. COOPER. Mr. President, the Senator is correct. It is being offered on behalf of the Senator from Idaho (Mr. CHURCH), the Senator from Montana (Mr. MANSFIELD), the Senator from Vermont (Mr. AIKEN), and myself.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOPER. Mr. President, I move to modify the amendment which I have offered, as follows: In the last line of the amendment, after "1970" put a comma in place of the period and add "for the purposes of".

Mr. MANSFIELD. Mr. President, will the Senator yield at that point?

Mr. COOPER. Yes. But first I ask that the amendment as modified be read.

Mr. MANSFIELD. May I point out that when the original amendment was offered I think it did state through line 6 on page 5. I wish to ask the Presiding Officer if that is correct.

The PRESIDING OFFICER. The Chair is advised that that was the case.

Mr. GRIFFIN. Mr. President, as I understand it, the Senator can modify his own amendment as long as the yeas and nays have not been ordered.

The PRESIDING OFFICER. The Chair was about to make that announcement. The Senator has that right.

The Chair will ask the clerk to state the amendment as modified.

The assistant legislative clerk read as follows:

Beginning on page 4, line 24, strike the language down to and including line 6 on page 5 and insert in lieu thereof:

"Sec. 47. Limitations on U.S. Involvement in Cambodia: In concert with the declared objectives of the President of the United States to avoid the involvement of the United States in Cambodia after July 1, 1970, and to expedite the withdrawal of American forces from Cambodia, it is hereby provided that unless specifically authorized by law hereafter enacted, no funds authorized or appropriated pursuant to this act or any other law may be expended after July 1, 1970, for the purposes of—"

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. MANSFIELD. Mr. President, there will be no voting on the amendment tonight.

Mr. DOLE. Mr. President, a parliamentary inquiry.

Mr. COOPER. Mr. President, I thought I had the floor. I modified my amendment.

The PRESIDING OFFICER. The Chair has ruled the amendment is so modified.

Mr. COOPER. Mr. President, I would like to make an explanation of the change. I note that there is no change in the operative part of the amendment originally offered; there is no change in subsections (1), (2), (3), and (4). The amendment goes only to the preamble and there are two changes. First, the date July 1, 1970, is made a part of the amendment, and then, the words are added at the beginning of the amendment, "In concert with the declared objectives of the President of the United States to avoid the involvement of the United States in Cambodia after July 1, 1970."

I think the meaning is very clear. I doubt it needs further explanation by me at this time. I yield to my cosponsor, the senior Senator from Idaho (Mr. CHURCH).

Mr. CHURCH. I thank the Senator very much. We have joined together in modifying the preamble of the Cooper-Church amendment for two reasons. During the course of the debate, some Senators have expressed the apprehension that it is just possible that this amendment could be acted upon swiftly, that the conference between the Senate and House might take place with uncharacteristic speed, and that the bill, with the amendment affixed to it, might then go to the White House, be considered by the President, and signed into law, and that all of this might conceivably happen before July 1, 1970, with the result that the law might then be construed, at least by critics of the war, as requiring a premature withdrawal of American troops from Cambodia. For the purpose of eliminating any possible doubt on this score, we have made the operative date July 1, 1970, which conforms with the President's own time limit.

The second reason has to do with the argument that this amendment some-

how be regarded as an affront to the President, challenging his prerogatives as Commander in Chief. Nothing could be further from our intentions, a fact borne out by the broad bipartisan support the amendment enjoys.

Our purpose, from the outset, has been to act in concert with the declared policy of the President of the United States, so that the law itself could form a legislative backstop to the President's declared determination to bring American troops out of Cambodia by the end of June. We think this is a responsibility that Congress should share with the President. So, just to eliminate any argument about the purpose of the amendment, we felt that the language of the preamble should be changed as we have now suggested.

Again, I want to underscore what the distinguished Senator from Kentucky has said. None of the substantive provisions in the amendment are changed in any way by the proposed modification of the preamble.

Mr. DOLE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOLE. Am I correct that section 47 is a committee amendment?

The PRESIDING OFFICER. That is correct.

Mr. DOLE. And in the event the amendment now offered by the Senator from Idaho and the Senator from Kentucky were adopted, would further amendments be in order?

The PRESIDING OFFICER. Not to that specific part, but to the remainder, yes. All those sections of the committee amendment which are untouched by the amendment now pending would be open to amendment.

Mr. DOLE. It would not be possible to include what appears to be stricken out of the amendment sent to the desk, "or as may be required to protect American forces as their withdrawal from Cambodia proceeds"? If we adopt the amendment in its present form, we could not adopt another amendment to the preamble to include the words just stated?

The PRESIDING OFFICER. The Chair is advised, and responds, as long as it does not touch the exact portion that the modified Cooper-Church amendment touches.

Mr. DOLE. I thank the Chair.

#### ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I am authorized by the able majority leader to repeat the announcement already made, that there will be no votes tonight.

#### AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The Senate resumed the consideration of the bill (H.R. 15628) to amend the Foreign Military Sales Act.

#### AMENDMENT

Mr. GOLDWATER. Mr. President, earlier today I sent to the desk an amendment to the pending committee amendment, and I intended later to call for it

as the business of the day, but I was persuaded out of decency to my friends on the other side not to do it. I am glad of one thing, that it forced a change in the preamble.

So now I send this amendment to the desk and ask that it be printed and lie on the table.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie at the desk.

#### AMENDMENT OF SOLID WASTE DISPOSAL ACT

AMENDMENT NO. 652

Mr. JAVITS. Mr. President, I introduce for myself and the Senator from Delaware (Mr. BOGGS), the Senator from Maine (Mr. MUSKIE), the Senator from West Virginia (Mr. RANDOLPH), and the Senator from Pennsylvania (Mr. SCOTT), an amendment to the Solid-Waste Disposal Act designed to help overcome critical manpower shortages in our Nation's solid-waste disposal and resource-recovery systems.

This amendment would provide financial assistance for the development, operation, and expansion of education and training programs for occupations involving the design, operation, and maintenance of solid-waste disposal and resource-recovery equipment and facilities.

Mr. President, we must take immediate action to both fill the manpower shortages in our Nation's solid-waste and resource-recovery activities and to eliminate the artificial job and skill requirements that restrict the opportunities for employment and upward mobility of low-income and unemployed persons otherwise qualified to fill these manpower shortages.

The amendment I am introducing today is a major step in this direction. It does more than simply authorize funds for manpower training in these vital areas. It also authorizes an investigation of our manpower training needs in solid-waste disposal and resource-recovery. It is deplorable that even though the business of getting rid of our Nation's solid waste is the Nation's third highest municipal expense, we do not even have a sophisticated idea of the number and type of personnel and manpower training programs needed to operate it.

In addition, my amendment authorizes the Secretary to encourage program relationships with industry that would enhance the success and relevance of education and training programs for persons preparing to enter an occupation involving the design, operation, and maintenance of solid-waste disposal and resource-recovery facilities. The relevance of all future manpower training and education programs in the field of solid-waste disposal and resource-recovery will depend on the coordination of manpower training programs with both the industries developing the products that present the greatest solid-waste problems, and the industries developing new technologies to deal with these problems. The technologies and managerial skills of the business world are crucial to the planning and design of innovative

and comprehensive systems for solid-waste disposal and resource-recovery.

Specifically, the amendment I am introducing today would—

First, authorize the Secretary of Health, Education, and Welfare to submit to Congress the results and recommendations of a complete investigation into the need for additional trained State and local personnel to, first, develop and maintain solid-waste disposal and resource-recovery activities, and second, carry out the manpower training programs assisted under or for the same purpose of the bill.

Second, authorize the Secretary to provide funds to institutions of higher education and to nonprofit organizations for projects designed to first, train persons for occupations involving the design, operation, and maintenance of solid waste and resource, and second, train persons, including teachers, adult basic education personnel and supervisory personnel, to train or supervise persons in occupations involving the design, operation, and maintenance of solid-waste disposal and resource-recovery equipment and facilities.

Third, authorize the Secretary to carry out occupational training projects which involve a combination of training, education, and employment in the operation of solid-waste disposal and resource recovery equipment and facilities.

Fourth, authorize the Secretary to study the extent to which and manner in which, artificial barriers to employment and occupational advancement in the solid-waste disposal and resource-recovery field restrict opportunities for employment and advancement in such field.

Fifth, authorize the Secretary to, first, develop and promulgate guidelines, based on the latter study, designed to eliminate artificial barriers to employment and occupational advancement in solid-waste disposal and resource-recovery activities and, second, to provide technical assistance in complying with the guidelines.

Sixth, require that all programs must, as a condition for funding, provide procedures for fiscal control, fund accounting, periodic evaluation by an agency independent of the program and compliance with program guidelines developed as required by the amendment.

Seventh, authorize the Secretary to encourage business with operations or products in the solid-waste disposal and resource-recovery field to participate in and cooperate with occupational programs established with the assistance provided by the training amendment.

Eighth, authorize the Secretary to disseminate information which relates to outstanding teaching and training methods, materials, and curriculums developed by projects assisted by the bill.

Public attention recently has focused on the crisis our Nation faces in the disposal of the more than 200 million tons of solid waste processed each year. No one wants garbage, but everybody produces it. The question is, then, what are we going to do about it and who is going to do it? This question and other crucial questions of our solid-waste man-

agement crises deserve solid answers in terms of money and trained manpower.

The rapid expansion of our technology and economy, which creates the ever-greater volumes of waste and the ever-greater problems of proper waste disposal, also offers the hope of solving these problems. We have the technology and the managerial skills to solve our solid-waste problems. What we do not have are the funds and the skills to train the necessary manpower to utilize them properly.

In 1968, according to a study completed for the Urban Coalition, there was a total deficit of 13,586 personnel in the sanitation programs and 1,748 personnel in the antipollution programs in 130 of our Nation's cities with 100,000 or more population.

Today, New York City alone needs, to meet its present solid waste disposal schedules, an additional 2,125 unskilled personnel and 450 skilled personnel in its solid waste disposal programs. By 1974, New York City, according to plans developed to deal with its solid waste disposal emergencies, will have almost to double the number of its incinerating facilities. In light of this fact and the fact that the city's solid waste production rate is increasing 100 percent yearly, it is obvious that New York City, as well as other cities, will be confronted in the near future with significantly greater manpower shortages.

The problem is formidable and critical especially when we consider, in light of our Nation's unemployment crises, that approximately one-half of the vacancies that exist in sanitation and antipollution programs could be filled by persons without professional or advanced technical training.

Adding to this problem is a lack of the job analyses and reevaluation of skill requirements necessary to improve job prestige, merit system coverage, possibilities for advancement and public acceptability. This further restricts both the employment opportunities of the low-income and unemployed person and the efficient use of personnel in the field of solid waste management. These employment factors cannot be ignored for they, in concert with training programs, determine in the last analysis the availability of trained manpower at the point of need for our Nation's solid waste disposal resource-recovery activities.

The committee in question is going to mark up the bill tomorrow. The amendment has considerable interest in it, and I hope very much it will be adopted and be a part of the bill which will be reported by the committee.

I ask unanimous consent that the text of the amendment be printed as a part of my remarks.

The PRESIDING OFFICER. The amendment will be received and printed, and will be appropriately referred; and, without objection, will be printed in the RECORD:

#### AMENDMENT No. 652

On page 2, line 2, strike out the quotation marks.

On page 2, between lines 2 and 3, insert the following:

"(8) The term 'resource recovery' means the processing and recovery of usable materials from solid waste."



On page 6, between lines 16 and 17, insert the following new matter:

#### TRAINING GRANTS

"Sec. 208. (a) The Secretary of Health, Education, and Welfare is authorized to make grants to, and contracts with, institutions of higher education, and to any other nonprofit organization which is capable of effectively carrying out a project which may be funded by grant under subsection (b) of this section.

"(b) (1) Subject to the provisions of paragraph (2), grants may be made to pay all or a part of the costs, as may be determined by the Secretary, or any project operated or to be operated by an eligible institution or organization, which is designed—

"(A) to develop, expand, or carry out a program of training persons for occupations involving the design, operation, and maintenance of solid waste disposal and resource recovery equipment and facilities;

"(B) to train persons, including teachers, adult basic education personnel, and supervisory personnel to train or supervise persons in occupations involving the design, operation and maintenance of solid waste disposal and resource recovery equipment and facilities;

"(C) to carry out occupational training projects which involve a combination of training, education, and employment in the design operation and maintenance of solid waste disposal and resource recovery equipment and facilities.

"(2) A grant or contract authorized by paragraph (1) of this subsection may be made only upon application to the Secretary at such time or times and containing such information as he may prescribe, except that no such application shall be approved unless it—

"(A) sets forth a project for which a grant is authorized under paragraph (1) of this subsection;

"(B) provides such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section, and provides for making available to the Secretary or his designate, for purposes of audit and examination, such books, documents, papers, and records as relate to any funds received under this section;

"(C) provides for making such reports, in such form and containing such information, as the Secretary may require to carry out his functions under this section, for keeping such records, and for affording such access thereto as the Secretary may find necessary to assure the correctness and verification of such reports; and

"(D) provides for (i) a periodic examination of the effectiveness with which the goals set forth in the application are being met while the project is in operation; (ii) the conducting of such examination by an organization not affiliated with the institution or organization whose project is being examined; and (iii) furnishing a report of

the results of such examination to the Secretary within thirty days after such examination is completed.

"(c) The Secretary shall—

"(1) encourage businesses with operations or products in the solid waste disposal and resource recovery field to participate in and cooperate with occupational training programs established with the assistance of grants or contracts made under subsection (b) (1) (C) of this section; and

"(2) disseminate information which relates to outstanding teaching and training methods, materials, and curricula developed by projects assisted under subsection (b) of this section.

"(d) The Secretary shall make a complete investigation and study to determine (1) the need for additional trained State and local personnel to carry out programs assisted under this Act and other programs for the same purpose as this Act; (2) means of using existing Federal training programs to train such personnel; and (3) the need for additional trained personnel to develop, operate, and maintain those solid waste disposal and resource recovery facilities designed and installed with assistance provided under this Act. He shall report the results of such investigation and study, including his recommendations, to the President and the Congress not later than July 1, 1971.

On page 6, line 18, strike out "Sec. 208" and insert in lieu thereof "Sec. 209".

On page 7, line 5, strike out "section 209" and insert in lieu thereof "section 210".

On page 8, line 3, strike out "and" after the semicolon.

On page 8, between lines 3 and 4, insert the following:

"(5) shall not be made, after guidelines are promulgated under subsection (e) of this section, unless the applicant agrees to incorporate such guidelines in such project; and"

On page 8, line 4, strike out "(5)" and insert in lieu thereof "(6)".

On page 8, between lines 22 and 23, insert the following:

"(e) The Secretary shall—

"(1) undertake, as soon after the enactment of the 'Resource Recovery Act of 1969' as is practicable, a study of the extent to which, and manner in which, artificial barriers to employment and occupational advancement in the solid waste disposal and resource recovery field restrict the opportunities for employment and advancement in such field;

"(2) develop and promulgate guidelines, based upon such study, setting forth task and skill requirements for specific jobs and recommended job descriptions designed to encourage career employment and occupational advancement in such field; and

"(3) provide technical assistance in complying with such guidelines to applicants for grants under this section.

On page 8, line 24, strike out "Sec. 209" and insert in lieu thereof "Sec. 210".

#### ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 5 o'clock and 40 minutes p.m.) the Senate adjourned until tomorrow, Friday, May 22, 1970, at 12 o'clock noon.

#### NOMINATIONS

Executive nominations received by the Senate May 21, 1970:

##### FEDERAL FARM CREDIT BOARD

The following-named persons to be members of the Federal Farm Credit Board, Farm Credit Administration, for the terms indicated:

For the remainder of the term of 6 years expiring March 31, 1971:

Ernest G. Spivey, of Mississippi, vice R. Watkins Greene, deceased.

For terms expiring March 31, 1976:

Kenneth N. Probasco, of Ohio, vice Marlon A. Clawson, term expired.

E. G. Schuhart II, of Texas, vice David Gordon Gault, term expired.

##### U. S. NAVY

The following-named captains of the line of the Navy for temporary promotion to the grade of rear admiral, subject to qualification therefor as provided by law:

Clarence M. Hart	Richard E. Fowler, Jr.
Lewis A. Hopkins	William M. A. Greene
George G. Halvorsen	Julian S. Lake
John D. H. Kane, Jr.	Joe Williams, Jr.
Edward L. Feightner	Joe P. Moorer
John M. Thomas	Walter N. Dietzen, Jr.
Brian McCauley	Harvey E. Lyon
Thomas E. Bass, III	Emmett H. Tidd
Billy D. Holder	Robert O. Welander
Richard E. Henning	Robert Y. Kaufman
William H. Shawcross	Stansfield Turner
Robert P. Coogan	William R. St. George
Ralph S. Wentworth, Jr.	Thomas B. Hayward
Daniel J. Murphy	John J. Shanahan, Jr.
John S. Christiansen	John G. Finneran

#### CONFIRMATION

Executive nomination confirmed by the Senate May 21, 1970:

##### NATIONAL LABOR RELATIONS BOARD

Edward B. Miller, of Illinois, to be a member of the National Labor Relations Board for the term of 5 years expiring December 16, 1974.

## HOUSE OF REPRESENTATIVES—Thursday, May 21, 1970

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

*Blessed be the name of God forever and ever: for wisdom and might are His.—Daniel 2: 20.*

Our Father God, reveal to us Thy glory as we turn our thoughts upward and lift our hearts into Thy presence. May discernment and discretion with confidence and courage arise within us with new vigor as we open our minds to Thee

who art always understanding, always merciful, and always seeking our good and the good of our people.

Grant unto us as we pray such an awareness of Thy spirit that this day may be spent in Thy service and for the best interests of our country. Give to us the grace to ask what Thou wouldst have us do that in Thy wisdom we may be saved from false choices, in Thy light we may walk and not faint, and in Thy love we may live with true freedom, through Jesus Christ our Lord. Amen.

#### THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

#### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title: